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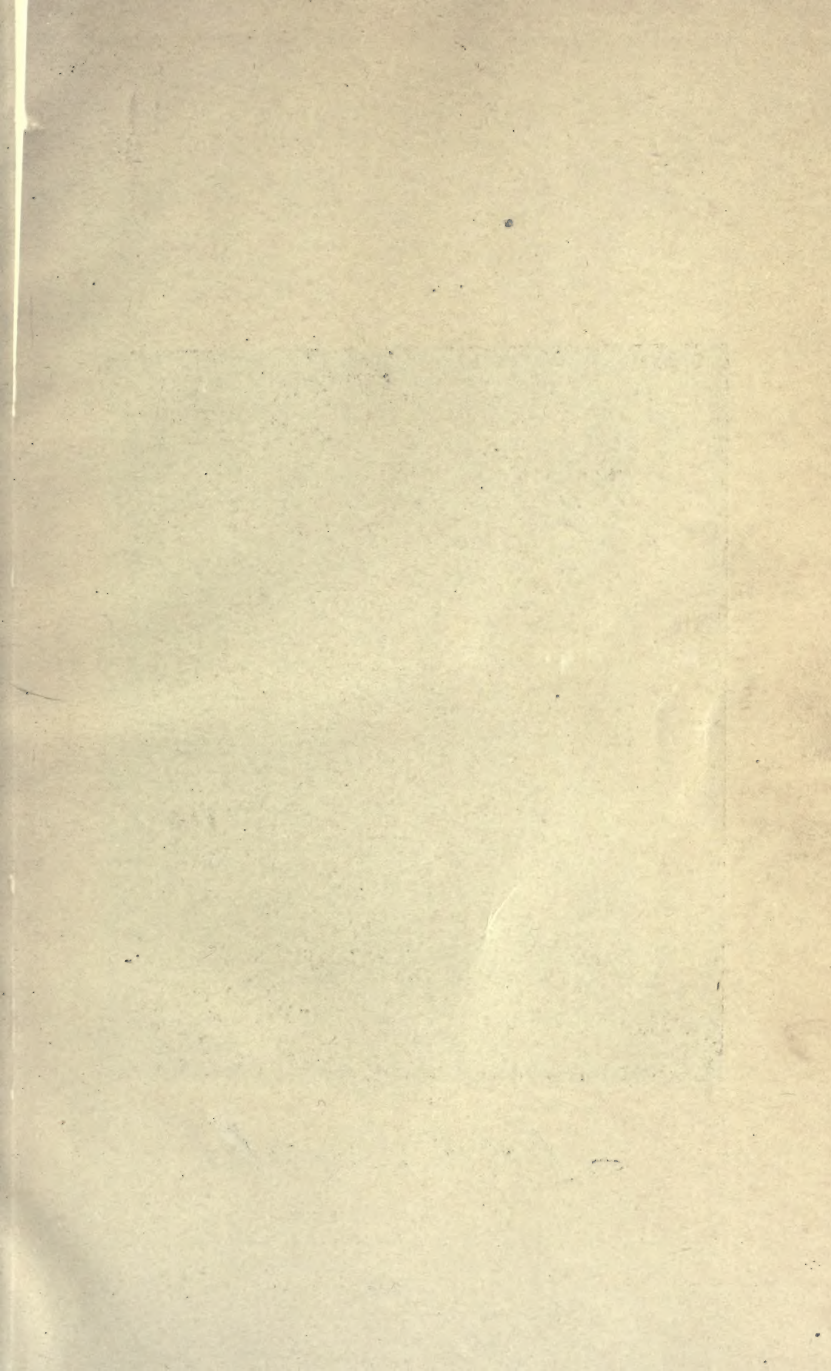
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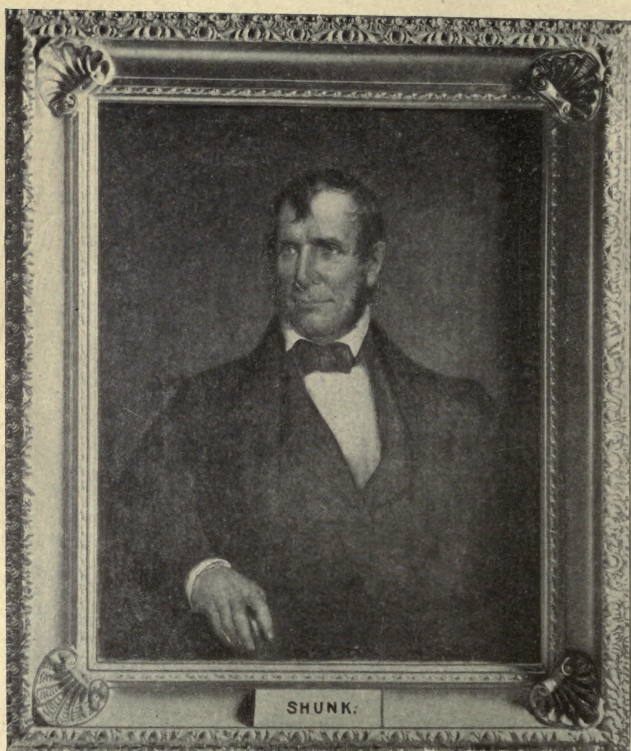


PAPERS OF THE GOVERNORS.









*Lewis R. Shunk.*



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# PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH

VOLUME VII.

PAPERS OF THE GOVERNORS.

1845-1858.



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FRANCIS RAWN SHUNK  
Governor of the Common-  
wealth.  
1845-1848.



# PENNSYLVANIA ARCHIVES

Fourth Series.

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## Chapter I.

FRANCIS RAWN SHUNK.

Governor of the Commonwealth.

1845-1848.

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QUALITIES THAT WIN WERE CONSPICUOUS in the character of Governor Shunk, who was the grandson of a Palatine immigrant and born at Trappe, in 1788. His early years were occupied mainly in labor upon the farms in his neighborhood, but in the intervals he utilized his small facilities for study to such advantage that at the age of fifteen he became a teacher and soon after was placed in charge of the village school. For the following nine years he retained this position, employing himself in farm labor during the large portion of the year in which the school was not in session, and devoting his evenings to further study.

In 1812, he was appointed to a clerkship by Surveyor General Porter and here he formed the friendly relations with young David Porter, who afterwards, as Governor, called him to the important office, which culminated in his own succession to the Executive. While

in the Surveyor General's office he and young Porter engaged together in the study of law, and he was ultimately admitted to the bar in September, 1816. In 1814, he joined a company of his townsmen and marched as a private to the defence of Baltimore.

About this time he was appointed to a clerkship in the House of Representatives and later became chief clerk. Upon his retirement from the latter position, he became Secretary of the Canal Commissioners. In 1839 he was appointed Secretary of State by his boyhood's friend Governor Porter and upon the expiration of his term of office in 1842, he opened an office for the practice of law in Pittsburg.

In 1845, he entered upon the first position he obtained through the ballot, the highest in the State, that of Governor. The conduct of his office, however, gave so much satisfaction to the public that he was re-elected in 1847 by an increased majority and would have rounded out the longest constitutional tenure of the office had not a tuberculous affection, which had become manifest soon after his first election and pushed forward progressively until an inevitably early termination was apparent, impelled him to resign his office, on the 9th of July, 1848.

The period of his administration included the Mexican War, to which Pennsylvania, with her wonted patriotic devotion, contributed more than her quota of arms and men. In consequence of the preoccupation of the people with the hostilities across the Rio Grande, few important public measures were brought up at this time. The divorce question had become an evil in the State, the Legislature granting decrees dissolving



the marriage relation upon altogether insufficient causes; this conduct was earnestly opposed by the Governor, and a notable reform instituted. His own early labors gave him a hearty sympathy with the poor, and he steadfastly turned his face against measures tending to the aggregation of property in the hands of the few. He advocated the State control of inheritance by laws preventing entailed estates and he opposed all measures granting special privileges in the acquirement of wealth both by individuals and corporations.

When the inevitable result of his malady became apparent, he tendered his resignation in one of the most charming, tender and touching State papers ever produced. Its classic phraseology, its deep religious sentiment, its lofty spirit combined to give it a beauty and symmetry as rare as it is affecting. He died at Harrisburg on the 30th of July, three weeks after his resignation, having served as Governor from January 21, 1845, to July 9, 1848.

## Inaugural Address to the Assembly.

**F**RRIENDS AND FELLOW-CITIZENS:—I APPEAR before you in obedience to the will of the free-men of Pennsylvania, to give the solemn pledge prescribed by the constitution and to enter upon the office of Governor.

When I contemplate the interests of our commonwealth, as an independent sovereignty, and as a member of the community of American states, the multiplied relations over which it exerts a supervising guardianship, and the peculiarly weighty obligations that press upon it at the present moment, I feel how imperfectly I am qualified to discharge, and even to comprehend aright, the arduous and complicated duties to which I have been called. To Him who watches over the destinies of states, as well as men, and whose favour is light and strength, I look upwards with humble trust, that He will over-rule any errors and give efficiency to my honest efforts for the public good.

Happily the principles which should regulate the administration of the State have been long since declared and established by our republican fathers. They are few and clear. That equal and exact justice should be administered to men of all parties in politics, and of all persuasions in religion—that our public faith should be kept sacred under all circumstances—that freedom of religion, of suffering, and of the press, should be held inviolate—that general education is essential to the preservation of liberty—that the separate rights and powers of the executive, legislative and judicial departments of the government should be strictly maintained—that the government should be faithfully, but frugally administered, and all to whom it is entrusted held to frequent and strict accountability—that particular mischiefs should be corrected by general rather than by special laws—that the grant

of exclusive privileges to some is repugnant to our whole system, the intent of which is to make firm the equal rights of all—that men associated for gain should, in common with others, be liable individually for all their joint engagements—and that the obedience of the public agent to the will of his constituents is essential to a right administration of the government, and to the preservation of freedom.

These are the leading principles by which I propose to be guided in the performance of my official duties. They are all of them primary truths, affecting the basis of our government, and needing no better confirmation of their value, than is to be found every where in the history of our country.

Thus far the action of our system has illustrated the capacity of man for self-government, and has shown that, entrusted with his own political destinies, and unincumbered by bad laws, he advances steadily in knowledge and true happiness. The doubts at first entertained of its adequacy to meet all the contingencies which arise in the affairs of nations, have been dissipated by experience. The practical operation of the governments of the states and of the Union, in advancing the welfare of the inhabitants of our extended and still extending country, demonstrate their utility. This is the result of that simple and natural organization, founded upon the assent of the people, by which their sovereign will rules in their local affairs, is extended to the state governments, and by a happy combination gives direction to the government of the Union. Their competency to govern themselves is confirmed by the peace, happiness and prosperity, which their government has secured to the citizens of these states, and is an assurance that in their hands the welfare of all will be, as it has been, guarded and advanced.

Fellow-Citizens of the Senate and House of Representatives:—It has not been my purpose to enter at

this time upon the consideration of particular topics, which may more properly be reserved for other communications. There is, however, one subject of such vital interest to the honor and well-being of the commonwealth, as to challenge the very earliest expression of my views respecting it. I allude, of course, to the condition of our public debt.

If there is one distinguishing trait of character in our citizens, it is that of living within their means, and honestly paying their debts; and if there is one certain result in the working of our representative system, it is, that the character of the government is identical with that of the people. By the application of this truth, which is equally simple and certain, our duty under existing circumstances, is rendered as plain as it is obligatory. The credit of our state must be redeemed. We are urged to the performance of this duty, not only by our fidelity as representatives, but also by the principles of sound morality, by our honest pride as Pennsylvanians, and by our obligations to the Union to maintain and elevate the National character.

I shall of course not be understood in these remarks as expressing any opinion on the question of the immediate ability of the State Treasury to resume its payments of interest. This question is an extremely grave one in its consequences, not to the creditor, only, but to the future character of the state; and it requires for its safe decision a careful examination of our fiscal condition, including our prospective income and liabilities, which I have not had the means of making. The consideration of this whole subject will be among the earliest and most interesting of my official duties, and I shall hasten to submit to the Legislature the views to which it may conduct me. Meanwhile, gentlemen, I pledge myself to you, to the good people of the state, and to all its creditors, that on my part noth-



ing shall be left undone, within the constitutional competency of the Executive to ensure the prompt, exact and full payment of all the dues of Pennsylvania.

I congratulate you, gentlemen, on the general prosperity of our constituents. It is impossible to look out upon our commonwealth without recognizing our indispensable obligations to the Author of Good. A genial and healthful climate—a soil fertile of agricultural productions, yet pre-eminently abounding in mineral wealth—a hardy and intelligent population—a government of the people themselves, that secures to industry, enterprise and skill, their appropriate rewards:—these, by His benignant care, have borne us up under concentrated trials, which might have crushed an older but less favored community. Let us be true to ourselves that His blessing may abide with us.

FRS. R. SHUNK.

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To the Speaker of the Senate Giving Notice of the Appointment of Jesse Miller to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 21st, 1845.

Hon. William P. Wilcox,  
Speaker of the Senate:

Sir:—

THROUGH YOU I INFORM THE SENATE that I have this day appointed and commissioned Jesse Miller, of the county of Perry, to be Secretary of the Commonwealth, agreeably to the eighth section of the second article of the constitution.

I have the honor to be, sir,

Your obedient servant,

FRS. R. SHUNK.

To the Senate Withdrawing from Nomination the Name of David M. Bull as Associate Judge of the Court of Common Pleas for Bradford County.

Executive Chamber,

Harrisburg, January 28th, 1845.

To the Senate of Pennsylvania:

Gentlemen:—

I WITHDRAW THE NOMINATION MADE ON the 9th inst. of David M. Bull, to be an associate judge of the court of common pleas for the county of Bradford, in the room of Abraham Goodwin, removed out of the county.

FRS. R. SHUNK.

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To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:—

I IN ACCORDANCE WITH A PROMISE MADE to you in my inaugural address, I now submit to you such facts having a bearing on the financial condition of the commonwealth as the time has permitted me to collect. The near approach of the day on which our semi-annual interest again falls due, and the anxiety which we all feel to return as soon as practicable to a state of public solvency, has hastened the preparation of this statement, and will account for the want of fulness and perhaps of

minute accuracy in its details. It is believed, however, that it may be regarded for all practical purposes, as adequately correct.

The state debt of Pennsylvania, as appears by the annual report of the late Treasurer, consists of the following items, viz:

|                               |                 |
|-------------------------------|-----------------|
| Permanent loans at 5          |                 |
| per cent. interest, ....      | \$32,881,662 01 |
| Permanent loans at 4½         |                 |
| per cent. interest, ...       | 200,000 00      |
| Permanent loans at 6          |                 |
| per cent. interest, ...       | 1,730,653 37    |
| Certificates of loan for      |                 |
| interest on the fund-         |                 |
| ed debt, Aug. 1, 1842,        |                 |
| and Feb. and Aug.             |                 |
| 1843, at 6 per cent., ..      | 2,606,333 03    |
| Certificates for interest     |                 |
| on 1st February and           |                 |
| 1st August, 1844, at 5        |                 |
| per cent., .....              | 1,847,040 48    |
| Loan per act of 4th May,      |                 |
| 1841, (relief notes), ..      | 1,438,178 00    |
| <hr/>                         |                 |
| Making an aggregate of, ..... | 40,703,866 89   |
| <hr/>                         |                 |

The interest upon the state debt has not been paid since the 1st February, 1842, but certificates have issued for the same as it accrued; thus funding it, and making it a part of the principal. The interest so funded amounts to \$4,453,373 51; and upon this there has accrued for interest a sum, also, in part funded and included in the above, amounting to nearly \$400,000. The annual interest payable by the state has thus gone on increasing. For the year 1844 it has been stated

at \$1,954,187 14; for 1845 it will amount, including the interest accruing on relief notes, and on certificates issued to domestic creditors, to the sum of \$2,035,013 56.

The annual receipts into the Treasury, and the annual claims upon it, may be arranged in two general classes. One of these, may properly embrace the ordinary revenues not derived from the public works, and from the tax on real and personal property, and the ordinary disbursements, unconnected with the public works and the public debt. The other, may embrace the items of receipt and disbursement not included in the former class.

The receipts of the former class into the Treasury, for the year ending on the 1st December, 1844, may be thus stated:

|   |              |
|---|--------------|
| Lands, .....                                | \$12,027 27  |
| Auction commissions, ...                    | 24,220 00    |
| Auction duties, .....                       | 68,145 41    |
| Tax on bank dividends,..                    | 46,705 55    |
| Tax on corporation stocks,                  | 52,379 88    |
| Tavern licenses, .....                      | 40,150 94    |
| Retailers' licenses, .....                  | 64,847 75    |
| Pedlars' licenses, .....                    | 1,483 93     |
| Brokers' licenses, .....                    | 6,460 12     |
| Pamphlet laws, .....                        | 338 34       |
| Tax on writs, .....                         | 32,921 88    |
| Tax on certain offices, ...                 | 1,833 54     |
| Collateral inheritance tax,                 | 21,631 96    |
| Enrolment of charters, ..                   | 1,100 00     |
| Tax on salaries, .....                      | 225 70       |
| Militia and exempt fines, .                 | 1,165 93     |
| Escheats, .....                             | 500 00       |
| Fees of the Auditor General's office, ..... | 44 87        |
| Miscellaneous, .....                        | 2,463 01     |
|   | <hr/>        |
|   | \$378,646 08 |



The disbursements of the same class for the year ending on the 1st of December, 1844, may be stated thus:

|  |           |              |
|--|-----------|--------------|
| Expenses of government, .....          | \$254,453 | 11           |
| Militia expenses, .....                | 19,151    | 16           |
| Pensions and gratuities, .....         | 35,369    | 60           |
| Common schools, .....                  | \$260,771 | 30           |
| Arrears, .....                         | 60,771    | 30           |
|  | <hr/>     | 200,000 00   |
| Institution for the blind, .....       | 12,356    | 65           |
| Do Deaf and dumb, .....                | 11,000    | 00           |
| Interest on loans, penitentiary, ..... | 6,000     | 00           |
| Penitentiaries, .....                  | 13,308    | 00           |
| House of refuge, .....                 | 4,000     | 00           |
| Public grounds, buildings and water, . | 1,123     | 56           |
| State library, .....                   | 3,094     | 00           |
| Miscellaneous, .....                   | 7,570     | 71           |
|  | <hr/>     | \$567,426 79 |
|  | <hr/>     |              |

From a comparison of these two tables, it appears that the disbursements for the year ending the 1st December, 1844, on all accounts, except those connected with the public works and state debt, exceeded the receipts for the same period from all sources, except the income of the works, and the tax on real and personal property, by \$188,780 71; or in other words, the ordinary revenues were less by \$188,780 71, than the ordinary expenses.

The receipts into the Treasury for the year ending 1st December, 1844, of the class which may be denominated extraordinary, were as follows, viz:

|  |           |    |
|--|-----------|----|
| Profits from canals and railroads, ....            | \$629,658 | 82 |
| Proceeds of tax on real and personal estate, ..... | 751,210   | 01 |
|  | <hr/>     |    |

Making an aggregate of, ..... \$1,380,868 83

The interest on the public debt, as given  
in the late Treasurer's report,  
amounted, for the same period, to, .. 1,954,187 14

Showing a deficiency of, ..... \$573,318 31

The excess of liabilities over income for the fiscal  
year 1844, may be summed up thus:

Of the ordinary class, ..... \$188,780 71  
Of the extraordinary class, ..... 573,318 31

Making an aggregate deficit for 1844 of, \$762,099 02

In fact, however, no interest was paid in 1844. The moneys which would have been otherwise applicable to such payment, together with a balance of \$179,471 50, which was in the Treasury on the 1st Dec., 1843, were required to a considerable extent for other purposes, such as payments to check-roll and domestic creditors, the cancellation of relief notes, the repairs of the Huntingdon breach, &c.; and in the result the balance in the Treasury on the 1st December, 1844, was reduced to \$663,851 88.

The calls on the Treasury for the year ending 1st December, 1845, may be estimated thus:

1. Ordinary permanent expenses, not  
connected with the public works,  
the same as in 1844, ..... \$567,500 00
2. Cancellation of relief notes, deferred  
from 31st December, 1844, by  
former Treasurer, ..... 50,000 00
3. Cancellation of relief notes for 1845,  
according to act of Assembly, ... 200,000 00
4. Payments to domestic creditors, on  
scrip issued by Auditor General,  
(amount appropriated May 31,  
1844,) ..... 102,159 46

|  |                |                            |
|--|----------------|----------------------------|
| 5. Interest payable in 1845, according to report of late Treasurer, viz: |                |                            |
| On funded debt, ..   | \$1,758,541 56 |                            |
| On funded certificates for interest, .....                               | 248,732 00     |                            |
| On 4th May issues,   | 21,500 00      |                            |
|  | <hr/>          | 2,028,773 56               |
| Total, .....   |                | <hr/> <hr/> \$2,948,432 05 |

Of these it may be remarked, that the first item supposes no increase to be made to the ordinary appropriations beyond those of the last year.

I have assumed that the progressive cancellation of the relief notes, provided for in the second and third items, will not be interfered with. We can never hope for a sound system of currency or finance until these are all of them withdrawn from circulation.

The payment of the domestic creditors' scrip, which forms the fourth item, I also retain, because justice seems to require that we should not make exceptions among creditors equally meritorious; and this item has, moreover, been appropriated for, and the moneys are actually claimable at the Treasury. The remaining item, five, is for interest on our funded debt, and corresponds with the estimate reported by the late Treasurer.

I have not included the balances of appropriations now in the Treasury, and liable to be called for, because it may be assumed that similar balances will be in the Treasury at the close of each fiscal year.

The income for the year ending 1st December, 1845, I estimate as follows, viz:

1. Receipts from ordinary sources of income, excluding public works and taxes, viz:

|   |                       |
|---|-----------------------|
| Amount received from these sources in   |                       |
| 1844, .....                             | \$378,646 08          |
| To which I add a probable increase for  |                       |
| 1845, of 10 per cent., .....            | 37,864 60             |
|   | <hr/>                 |
|   | \$416,510 68          |
| 2. Profits of canals and railways for   |                       |
| 1845, estimated at, .....               | 640,000 00            |
| 3. Proceeds of tax on real and personal |                       |
| estate, .....                           | 1,000,000 00          |
|   | <hr/>                 |
| Total, .....                            | <u>\$2,056,510 68</u> |

No certain estimate can be made of the receipts from this tax. The amount derived from it in 1844, was \$751,210 01; the aggregate of the assessment of that year is not known, and it is therefore impossible to calculate what will be that of 1845. The act requiring an additional mill to be levied on the more important subjects of taxation, may be relied on for a considerable increase; but assuming the amount of tax levied for 1845, to be 50 per cent. greater than that for 1844, there appears to me no reason to believe, from a comparison of the amounts levied with the amounts collected in past years, that the collections of 1845 will exceed those of 1844 more than 33 1-3 per cent. This would give us one million of dollars as the nett proceeds of the tax on real and personal estate. I do not feel myself justified in making a more liberal estimate of this item, nor in making a separate allowance for arrearages of taxes to be collected within the year. The sum of \$751,210 11, received into the Treasury in 1844, and which forms the basis of the estimate of \$1,000,000 for the present year, was four-fifths of it the proceeds of the taxes of former years; and the estimated million for 1845, must be regarded in like



manner as including a very large amount of the more recent arrearages.

The aggregate of receipts for 1845, thus estimated, is \$2,056,510 68.

Comparing our estimated receipts and liabilities for the year ending 1st December, 1845, they stand thus:

|                              |                |
|------------------------------|----------------|
| Estimated receipts, .....    | \$2,056,510 68 |
| Estimated liabilities, ..... | 2,948,432 05   |

---

and they show that the sum of ..... \$891,921 37 will be wanting to complete the payments of the year. Were the entire balance in the Treasury on the 1st December, 1844, to be applied in reduction of this deficiency, there would still remain \$228,069 49 of deficiency unprovided for.

It is obvious from this, that if even all the resources of the fiscal year could be made available for the payment of the interest in February and August, of the year 1845, they would still be insufficient, though aided by the application of \$663,851 88, from the accumulated income of former years.

But it is plain that a large part of the resources of the year cannot be made available to this object. The second semi-annual interest becomes payable four months before the close of the fiscal year, when a large proportion of the receipts, equal probably to more than one-third of the whole, has not yet come in. The income of these four months, from 1st August to 1st December, in fact belongs to the fund destined to pay the interest of the following February; and to anticipate it for the August payment, would be to misapply it. The most careful estimates which I have been able to prepare, satisfy me, that there will be a deficiency of means to meet the interest payment of Au-

gust next, supposing the February interest to be paid in full, of about \$900,000.

The ability of the Treasury at the present time, with reference to the approaching February payment, may be judged of from the following facts.

From causes connected with the times at which the arrears of interest were funded, there is a difference in the amounts payable for interest on 1st February, and 1st August, respectively: the amount payable in February being \$971,395 90; that in August being \$1,063,617 66. To meet the February interest now payable in a few days, the amount in the Treasury may be thus stated:

|  |                 |
|--|-----------------|
| On the 26th January, 1845, the apparent balance in the Treasury was, .....                     | \$901,702 32    |
| Of this balance there was  |                 |
| in relief notes legally cancelled on 31st December, 1844, .....                                | \$50,000 00     |
| In unavailable funds, ....   | 6,176 00        |
| Advanced on account for the uses of government, 11,391 22                                      |                 |
|  | <hr/> 67,567 22 |
|  | <hr/>           |
| Making the real balance, .....   | \$834,135 10    |
| The receipts into the Treasury between 26th January, and 1st February, are estimated at, ..... | 15,000 00       |
|  | <hr/>           |
| Showing as the available balance in the Treasury on the interest day, .....                    | \$849,135 10    |
|  | <hr/> <hr/>     |
| Which sum consists of par funds, .....   | \$449,684 91    |

|  |            |
|--|------------|
| Currency equal to relief<br>notes, ..... | 399,450 19 |
|--|------------|

---

|  |              |
|--|--------------|
|  | \$849,135 10 |
|--|--------------|

---

It will be seen from this, that on the first of next month, the balance in the Treasury will not be adequate to the full payment of the interest falling due that day, but will be deficient in the sum of \$122,260 80, to which must be added such additional sum as may be necessary to convert the relief funds into specie.

This deficit on the 1st of February, thus ascertained, furnishes another means of testing the correctness of the estimate presented above of the condition of the Treasury on the 1st of August next.

The receipts between 1st February, and 1st of August, have been estimated as follows:

|   |              |
|---|--------------|
| From sources other than direct taxes<br>and public works, ..... | \$167,633 67 |
|---|--------------|

|   |            |
|---|------------|
| From tax on real and personal property, | 300,000 00 |
|---|------------|

This estimate is lower than the average of the year, but it is to be observed, that these six months have always been the least productive, and that the additional mill tax of the last session, will not be available before the first of August.

|   |            |
|---|------------|
| From public works, nett receipts as estimated by the Commissioners, ..... | 334,586 45 |
|---|------------|

---

|                               |              |
|-------------------------------|--------------|
| Making an aggregate of, ..... | \$802,220 12 |
|-------------------------------|--------------|

|  |            |
|--|------------|
| Deduct from this aggregate the deficit<br>on 1st February, above mentioned, .. | 122,260 80 |
|--|------------|

---

|                                  |              |
|----------------------------------|--------------|
| And the nett receipts are, ..... | \$679,959 32 |
|----------------------------------|--------------|

|  |              |
|--|--------------|
| Brought forward, .....   | \$679,959 32 |
| Deduct from this the estimated expenditures for the period, from 1st February to 1st August, viz:  |              |
| Expenses of government, .  | \$170,000 00 |
| Education, .....   | 100,000 00   |
| Pensions, .....  | 11,000 00    |
| Penitentiaries, .....  | 4,000 00     |
| Miscellaneous, .....   | 3,000 00     |
|  | <hr/>        |
|  | 288,000 00   |
|  | <hr/>        |
| Balance, .....   | \$391,959 32 |
| This balance, under existing laws, is applicable in part, to the payment of the amount due to domestic creditors, .....  | \$102,159 56 |
| And to cancellation of relief issues, .....  | 100,000 00   |
|  | <hr/>        |
|  | 202,159 56   |
|  | <hr/>        |
| Estimated balance applicable to payment of interest on 1st of August, provided the Legislature shall make no special or extraordinary appropriations to be paid prior to that day, ..... | \$189,799 76 |
|  | <hr/>        |

I have thus frankly presented to you, gentlemen, what appear to me to be the facts in reference to the present and prospective condition of the Treasury. The conclusions to which I have come, differ, in some degree, from those which were sanctioned by the estimable gentleman who recently filled the office of State Treasurer. The difference arises, principally, from the fact, that I have included among the charges upon the Treasury, the cancellation of relief notes,



and the payment of domestic creditors; and that he has estimated the profits of the public works, and the revenue from the state taxes, &c., more highly than those whose opinions I have adopted. Should his views prove to be more correct than mine, the effect upon the finances will not be important before the first of August next, however happily they may influence the state of the Treasury after that period.

I cheerfully submit to the wisdom of the Legislature, to determine what course should be pursued under the circumstances. If I am correct in the views which I have taken, it is apparent that we are not yet prepared to resume the payment of our interest in full, and to continue the payment punctually hereafter.

This state of things, however, will not continue long. The payment of our domestic creditors in full, and the cancellation of a large amount of relief notes, for which I have estimated, are in their nature temporary disbursements, which will essentially relieve the Treasury; and the operation of the increased tax law of the last Legislature, must yield, after a time, a large increase of revenue.

But for the present, the question may be regarded as a simple alternative. Whether all the moneys which will be in the Treasury on the 1st of February next, shall be converted into par funds, and paid out as far as they will go in discharge of the interest then due: or whether such a rate of interest shall be paid on the 1st of February, as can with reasonable certainty be again paid on the 1st of August, looking to a gradual increase in the amount of our future interest payments as our improving circumstances shall warrant, and holding the state fully bound to make payments of the arrears at the earliest time. It can hardly be expected, even in the most prosperous condition of the Treasury, that our financial operations can be so regulated, as that there shall be neither a deficiency

nor an excess in the Treasury on the days for the payment of our semi-annual interest; hence the necessity will at once be perceived of providing, as soon as practicable, a contingent fund to meet any deficiency that may occur on any interest day. The mode in which such a fund should be constituted, will properly be the subject for future consideration; but it cannot fail to impress itself upon the mind of the Legislature, as an important part of a well regulated system of finance.

The whole subject refers itself properly to you; and whatever may be your decision, I shall hold myself ready, cordially, to co-operate with you in the great work of vindicating the integrity, and renovating the pride of our commonwealth.

FRS. R. SHUNK.

Executive Chambers,  
Harrisburg, January 29, 1845.

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To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for the Several Counties  
Named.

Executive Chamber,  
Harrisburg, February 6th, 1845.

Gentlemen:—

I NOMINATE GEORGE LEIDY AND JOHN M. Gallauher, to be associate judges of the court of common pleas for the county of Clinton.

I also nominate Harry Morgan, to be an associate judge of the court of common pleas for the county of Bradford, in the room of Abraham Goodwin, removed from the county.

FRS. R. SHUNK.

To the Assembly Concerning the Session of Certain  
Ground Near Pittsburg to the United States for  
a Marine Hospital.

Executive Chamber,  
Harrisburg, February 12th, 1845.

Gentlemen:

I HEREWITH ENCLOSE A COPY OF A COMMUNICATION from the Secretary at War, and of an accompanying document, from which it appears that a lot of ground has been purchased by the United States, near Allegheny arsenal, Pittsburg, for the Marine hospital, and that jurisdiction over the same has not been ceded by the state of Pennsylvania.

I respectfully call the attention of the Legislature to this subject, in order that the usual cession may in this case be made.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of several Courts of Common Pleas.

Executive Chamber,  
Harrisburg, February 17th, 1845.

Gentlemen:—

I NOMINATE JONAH BREWSTER, TO BE AN associate judge of the court of common pleas of Tioga county, from the 27th day of February, instant, to fill the vacancy which will occur on that day, by the expiration of the term for which he has been commissioned.

I also nominate Strange N. Palmer, to be an associate judge of the court of common pleas of Schuylkill county, from the 27th day of February, instant, to fill the vacancy which will occur on that day, by the ex-

piration of the term for which he has been commissioned.

I also nominate Samuel C. Bonham, to be an associate judge of the court of common pleas, for the county of York, from the 27th day of February instant, to fill the vacancy which will occur on that day, by the expiration of the term for which he has been commissioned.

I also nominate John Montelius, to be an associate judge of the court of common pleas of Union county, from the 27th day of February, instant, to fill the vacancy which will occur on that day, by expiration of the term for which George Schnabel has been commissioned.

I also nominate John C. Bucher, to be an associate judge of the court of common pleas of Dauphin county, to fill the vacancy which occurred by the expiration of the term for which he was commissioned, on the 29th January last.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 25th, 1845.

Gentlemen:—

**I** NOMINATE REUBEN WILBER, TO BE AN ASSOCIATE judge of the court of common pleas of Bradford county, from the 27th of February, instant, to fill the vacancy which will occur on that day, by the expiration of the term for which John Laporte was commissioned.

I also nominate James Gordon, to be an associate judge of the court of common pleas of Washington



county, from the 27th instant, to fill the vacancy which will occur on that day, by the expiration of the term for which Samuel Hill was commissioned.

I also nominate Thomas Wilson, to be an associate judge of the court of common pleas of Mercer county, from the 27th instant, to fill the vacancy which will occur on that day, by the expiration of the term for which John Mitchelltree was commissioned.

I also nominate John Duffy and Christian Buhl, to be associate judges of the court of common pleas of Butler county, from the 27th instant, to fill the vacancies which will occur on that day, by the expiration of the term for which James Bovard and John Duffy were commissioned.

I also nominate James Kinnear, to be an associate judge of the court of common pleas of Venango county, from the 27th instant, to fill the vacancy which will occur on that day, by the expiration of the term for which Robert Mitchell was commissioned.

I also nominate John Brawley, to be an associate judge of the court of common pleas of Erie county, from the 27th instant, to fill the vacancy which will occur on that day, by the expiration of the term for which he was commissioned.

I also nominate John Montgomery, to be an associate judge of the court of common pleas of Northumberland county, from the 27th instant, to fill the vacancy which will occur on that day, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 27th, 1845.

Gentlemen:—

I NOMINATE GEORGE HESS, TO BE AN ASSOCIATE judge of the court of common pleas of Northampton county, to fill the vacancy which will occur on this day, by the expiration of the term for which he was commissioned.

I also nominate Oliver Hamlin, to be an associate judge of the court of common pleas of Wayne county, to fill the vacancy which will occur on this day, by the expiration of the term for which Moses Tyler was commissioned.

I also nominate Henry Pettibone, to be an associate judge of the court of common pleas of Luzerne county, to fill the vacancy which has occurred by the resignation of Ziba Bennett, one of the associate judges of the said county.

I also nominate Harvey Roys, to be an associate judge of the court of common pleas of Pike county, to fill the vacancy which will occur on this day, by the expiration of the term for which Oliver S. Dimmick was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the  
Court of Common Pleas of Columbia County.

Executive Chamber,  
Harrisburg, February 28th, 1845.

Gentlemen:—

I NOMINATE SAMUEL OAKS AND STEPHEN Baldy, to be associate judges of the court of common pleas of Columbia county, to fill the vacancy which occurred on the 27th instant, by the expiration

of the term for which George Mack and William Donaldson were commissioned.

FRS. R. SHUNK.

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To the Assembly Announcing the Resignation by James Buchanan of his Seat in the Senate of the United States, with a Copy of his Letter of Resignation.

Executive Chamber,  
Harrisburg, March 8th, 1845.

Gentlemen:—

THE HONORABLE JAMES BUCHANAN HAVING accepted the office of Secretary of State of the United States, has forwarded to me his resignation as one of the Senators of Pennsylvania, in the Senate of the United States, a copy of which I have the honor herewith to transmit to the Legislature, in order that the vacancy may be supplied agreeably to law.

FRS. R. SHUNK.

DOCUMENT.

Washington, 5th March, 1845.

My Dear Sir—Having accepted the office of Secretary of State, to which I have been called by President Polk, I now respectfully tender to you my resignation as one of the Senators of Pennsylvania, in the Senate of the United States, and request that you may communicate the same to the Legislature.

In thus severing the bonds which have so long bound me to the Legislature and people of Pennsylvania, I cannot, in view of all their past kindness, repress the rising emotions of my heart. My gratitude shall terminate only with my existence: and my anxious desire to retain their approbation shall animate my future exertions to deserve it on the new theatre of duty to which I have been called. Imploring the blessing of Heaven

upon my efforts, I humbly trust that during the remainder of my public life, I shall not disgrace the glorious old commonwealth which has given me birth, and has ever treated me with parental kindness. With sentiments of the highest respect,

I remain, sincerely, your friend,  
JAMES BUCHANAN.

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To the Assembly Transmitting the Report of the  
Board of Revenue Commissioners, with Comment  
Thereon.

Executive Chamber, March 19, 1845.

Gentlemen:—

**I** HAVE THE HONOR HEREWITH TO TRANSMIT to each branch of the Legislature, a copy of the report of the board of revenue commissioners, who closed their session on the eighteenth instant.

By the act of the 29th April, 1844, under which the board is constituted, their report is directed to be made to the Governor, and printed in conformity with the eighth section of the act to create permanently the office of state printer. But as this report contains suggestions which may require the immediate attention of the Legislature, I have thought proper to communicate copies of it without delay. The great importance of the subject, the intelligence of the members of the board, the industry and perseverance which marked their deliberations, and the comprehensive and able character of the result of their investigations, commend their proceedings to your prompt and serious consideration.

FRS. R. SHUNK.



To the Senate Nominating Hugh Bigham to be an Associate Judge of the Court of Common Pleas for Armstrong County.

Executive Chamber,  
Harrisburg, March 21st, 1845.

Gentlemen:—

I NOMINATE HUGH BIGHAM TO BE AN ASSOCIATE judge of the court of common pleas of Armstrong county, to fill the vacancy which occurred on the 20th instant, by the expiration of the term for which John Calhoun was commissioned.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act Relative to the Duncannon Iron Works in Perry County, and for Other Purposes."

Gentlemen:—

THE BILL ENTITLED "AN ACT RELATIVE TO the Duncannon iron works in Perry county, and for other purposes," was presented for my approbation on the 15th instant.

The first section of this bill provides, that the partial use of charcoal, pig metal and blooms, and the manufacture of the same into iron and nails at the Duncannon iron works, shall not prevent the proprietors of these works from taking advantage of and enjoying the benefits of an act, passed June 16, 1836, entitled "An act to encourage the manufacture of iron with coke or mineral coal, and for other purposes."

The act of 1836, to encourage the manufacture of iron with coke or mineral coal, and its supplement, provide, that when any number of persons, citizens of the United States, are associated for the purpose of making

and manufacturing iron from the raw material, with coke or mineral coal, and shall be desirous to acquire and enjoy the power and immunities of a corporation or body politic, in law, and have subscribed a sum, not less than one hundred thousand dollars nor more than five hundred thousand dollars, and actually paid in the one-fourth of the capital stock so subscribed, they may, by making application, in the form prescribed, to the Attorney General and the Executive, be constituted a corporation or body politic, in law and in fact.

The object of this law is plain upon its face. The manufacture of iron from the raw material, with coke or mineral coal, was, at the time of its passage, in its infancy; it was peculiarly interesting and important to this state, where mineral coal and iron ore abound in incalculable masses. The success of the proposed attempt was problematical. But should it succeed it would add largely to the industry and wealth of the state. It might require the expenditure of large sums of money to ensure a fair trial of its practicability, and people might not be willing to risk their whole fortunes in so uncertain an experiment. Induced, it is presumed, by these considerations, the Legislature passed the general act of 1836, so that that might be done by a combination of individuals, risking only the amount invested by them, which would not be attempted by single individuals or co-partnerships, at the risk of all that they were worth.

Here were motives that were deemed sufficient to justify the sanction of a form of association, for the manufacture of iron, unusual in this state, and the casting a part of the risk of success upon the public, by authorizing the incorporation of companies to make the experiment, without any liability on the part of the shareholders, beyond the amount of their stock.

Without sanctioning the policy of the act of 1836,

which appears to me very questionable, the bill now presented for my approval, involves an abandonment of the principle of that act. It allows charcoal instead of coke or mineral coal to be used, partially at least, and without limiting the extent in the manufacture of iron, and pig metal, and blooms, instead of the raw material, and superadds the right to make nails out of the same; all of which is directly contrary to the provisions of the seventh section of the act of 1836, and is not sanctioned by the policy which dictated that law.

I have not been able to discover any such necessity as would justify this innovation. The bill seems to me to present the simple question of the propriety of incorporating rolling mills and nail factories. Hitherto this has not been deemed necessary to the prosperity of the state, one motive usually presented in favor of corporations. In this instance it would be a special privilege, granted to these shareholders, which is not enjoyed by others in similar business; and which it is presumed the Legislature would not be willing to extend to all. They incur no personal responsibility in their enterprize, while others in the same business, must risk all they possess, and experience has long since proved that the latter are much more likely to succeed.

Furnaces, forges, rolling mills and nail factories, are found in all parts of our commonwealth, and are carrying on an active and thriving business, on the basis of individual enterprise and individual liability—and are adding continually, without exclusive privileges, by their industry, to the wealth, and honor, and credit of the state; and it would seem unfair to them to raise up a class of privileged corporators, sustained by aggregated wealth and discharged of individual liability, to compete with them in their praiseworthy exertions.

Such, it appears to me, will be the operation of the

principle on which this bill is based; a principle which is, in my apprehension, inconsistent with the habits and interests, and repugnant to the sentiments of the people of the commonwealth.

The second section of the bill provides for the extension of the powers of the Perry county mutual fire insurance company. The character of the first section has already been stated—both sections relate to creating or extending corporate privileges; hence the question arises whether these two sections can be included in the same bill, under the twenty-fifth section of the first article of the constitution, to wit: “No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.” The meaning of this constitutional prohibition is plain, and although the combination in this bill may not violate its letter, it seems to me inconsistent with its spirit.

With these objections I return the bill to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber, March 22, 1845.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, March 29th, 1845.

Gentlemen:—

I NOMINATE THOMAS M'KEAN PETTIT TO BE president judge of the district court for the city and county of Philadelphia, from the 30th day of March, 1845.

I also nominate Joel Jones to be a judge of the district court for the city and county of Philadelphia, from the 30th day of March, 1845.



I also nominate John K. Findlay to be a judge of the district court for the city and county of Philadelphia, from the 30th day of March, 1845.

FRS. R. SHUNK.

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To the Assembly on Cancellation of Relief Issues and  
Other Financial Matters.

Executive Chamber,  
Harrisburg, April 3d, 1845.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HEREWITH a communication from the State Treasurer, stating that he had cancelled, on the 31st ultimo, agreeably to the existing law, fifty thousand dollars of the notes issued by the banks of this commonwealth, in pursuance of the act of the 4th of May, 1841, and delivered to the Auditor General to be destroyed, accompanied by a copy of the receipt of the Auditor General.

By existing laws fifty thousand dollars of the relief issues are to be cancelled quarterly, a sum which is hardly adequate to relieve the community from the circulation of torn and defaced notes. The cancellation of fifty thousand dollars, which should have taken place of the 31st of December last, was omitted, and the amount transferred to the present Treasurer, as a part of the funds in the Treasury. This sum has not, as I am informed by the present Treasurer, been cancelled by him, but used as other funds in the Treasury, and will not be cancelled unless specially directed by law. I deem it my duty to mention this fact for the consideration of the Legislature.

FRS. R. SHUNK.

To the Senate Nominating Joel Jones to be President Judge of the District Court for the City and County of Philadelphia.

Executive Chamber,  
Harrisburg, April 7th, 1845.

Gentlemen:—

**I** NOMINATE JOEL JONES, TO BE PRESIDENT judge of the district court for the city and county of Philadelphia, to fill the vacancy occasioned by the resignation of Thomas M. Pettit.

FRS. R. SHUNK.

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To the Senate Nominating George Sharswood to be a Judge of the District Court for the City and County of Philadelphia.

Executive Chamber,  
Harrisburg, April 8th, 1845.

**I** NOMINATE GEORGE SHARSWOOD TO BE A judge of the district court for the city and county of Philadelphia, in the room of Joel Jones, resigned.

FRS. R. SHUNK.

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To the Senate Nominating John Anderson to be an Associate Judge of the Court of Common Pleas for Allegheny County.

Executive Chamber,  
Harrisburg, April 9th, 1845.

Gentlemen:—

**I** NOMINATE JOHN ANDERSON TO BE AN AS- sociate judge of the court of common pleas of Allegheny county, to fill the vacancy occasioned by the death of John M. Snowden.

FRS. R. SHUNK.

To the Senate Nominating William Jenkins to be Recorder of the City of Lancaster.

Executive Chamber,  
Harrisburg, April 12th, 1845.

**I** NOMINATE WILLIAM JENKINS TO BE Recorder of the city of Lancaster, to fill the vacancy occasioned by the resignation of John K. Findlay.  
FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Incorporate the North Branch Railroad and Coal Company."

Gentlemen:—

**T**HE BILL TO INCORPORATE THE NORTH Branch railroad and coal company has been presented for my approbation.

This bill proposes to incorporate a company with a capital of three hundred and twenty-five thousand dollars, which may be raised to five hundred thousand dollars. The objects of the corporation are two fold.

First.—To construct a railroad from Towanda, in Bradford county, to the coal lands in Franklin and Monroe townships, in said county, with the right to extend said road, or construct lateral roads therefrom, to such coal mines in said townships or their vicinity, as from time to time may be found expedient; and with the further right to extend the same so as to form a junction with the Williamsport and Elmira railroad.

Second.—To mine coal and transact the usual business of companies engaged in mining, transporting, and selling coal and the other products of coal lands; and for these purposes the company is to have the right of holding, either by purchase or lease, six thousand five hundred acres of land in Bradford county, and of improving, selling, or otherwise dispos-

ing of the same, as their interest may require. Besides this, they may hold such lot or lots of land, not exceeding ten acres in any one place, as may be found convenient for places of deposit in the transportation and sale of the products of their mines and lands.

That part of the bill which provides for the construction of railroads to connect coal lands with the public improvements, is altogether unobjectionable. The great expense of making these roads, on an extended scale, places them beyond the reach of individual enterprize, and sanctions the grant of corporate privileges to associated wealth.

The other objects of this corporation present, however, no such claims to public favor. They are to hold six thousand five hundred acres of land, and to employ the aggregated means of the corporators, not required for constructing the railroads, in mining coal, improving lands, and transporting and vending coal and other products of their lands, discharged of individual liabilities.

Universal experience and observation have proved that all branches of business within the reach of individual enterprize and responsibility, are more successfully prosecuted by individuals than by corporations.

The constitution secures to all men the equal right of acquiring, possessing and protecting property. The claim to disturb the harmony of our system by granting to some exclusive privileges, founds itself on the assumption that the public interest requires something to be done to which individuals are unequal, and that privileges which are not enjoyed by the rest of the people, must be conferred upon some to secure a public advantage.

But this cannot be predicated of mining coal and improving land. Among the varied pursuits of men there is, perhaps, none more simple, or more completely within the compass of individual resources,



than that of mining coal. In proof of this, I need only refer to the millions of bushels of coal which are annually mined, and carried to market in this state west of the mountains, without the aid of corporate privileges; and to the success which has attended individuals in the Schuylkill coal region, where corporators have generally failed.

As to improving land by the agency of a corporation, which is one of the objects of this bill, the objection to it is palpable. It is found in the industry and skill of our farmers, subduing the forest, extending and multiplying the comforts of life, and advancing the prosperity, credit and greatness of the commonwealth—pregnant proofs all of them, that agriculture needs no corporate protection.

The success which has hitherto attended individual enterprise in mining coal, and in improving land, is, in my apprehension, an insuperable objection to placing these interests in the hands of corporations.

One of the great benefits arising from our free system is, the facility which it gives to transfers of property, by which the vigilant and thrifty are enabled to place themselves beyond dependence; while the direct effect of withdrawing large tracts of land from the ordinary rules which govern the transmission of real estate, is to create a dependent tenantry. The company contemplated by this bill, with its six thousand five hundred acres of land, and a half million of capital, will employ many men, all of them in a degree dependent upon the controlling power of the corporation. Our own history furnishes too many lamentable proofs of the fact, that power of this kind may be used, not only to exact the labor for which compensation is made, but also to circumscribe that range of thought and independence of action upon political subjects, which constitute the pride and dignity of an American freeman.

These corporators, moreover, are associated for the

purpose of gain; and yet if their enterprize should prove unsuccessful, the debts which they may have contracted beyond the amount of their subscriptions, are to fall upon the unwary and confiding. The profit is to be their own—the loss is to devolve upon the public. I can see no reason for thus making a distinction between these corporators and other citizens, and disturbing that equality which sustains our free institutions.

With these objections I have directed the bill to be returned to the Senate in which it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 12th, 1845.

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To the Assembly Concerning the Late Fire at Pittsburg.

Gentlemen:—

THE DESTROYER HAS COME UPON OUR Western Emporium. It is estimated that one-third of the city of Pittsburg, including two-thirds of the business capital, was consumed by fire, on Thursday last. The mind is appalled by the contemplation of this desolation. About eleven hundred dwellings are in ruins. Six or eight thousand inhabitants are houseless, and millions of property are destroyed. This visitation of Providence strikes from beneath us all self-dependence, and enforces the instruction from the Book of Life, that "other foundation can no man lay, than that is laid, which is Jesus Christ," and the necessity of that faith, "that looks for a city which hath foundations whose builder and Maker is God."

A week ago, Pittsburg was like the season, expanding its energies, renewing its vigor, and animated with

abundant life. Now its strength is humbled. A more hospitable, benevolent and energetic people, than its citizens, can no where be found. The weight of their present distress is tremendous. It appeals for some relief, with resistless force. I have had an interview with a committee of the citizens, and received a written communication from them. This, and a letter which has been received while this message is transcribing, are herewith transmitted. They give a graphic outline of their loss, and express manly confidence in their ultimate ability to restore it. This is one of those public calamities that speak to the whole people, and their representatives, in terms that are felt and understood by all. It invokes your immediate attention. I shall most heartily concur in any measure of relief which your wisdom may suggest, knowing that it will be worthy of the commonwealth that gives, and the people who receive.

FRS. R. SHUNK.

Executive Chamber, April 14th, 1845.

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To the Assembly Urging the Importance of Passing  
the Annual Appropriation Bill Before Adjournment  
—1845.

Gentlemen:—

**I** HAVE THIS MOMENT BEEN INFORMED BY A committee of your honorable bodies that you are ready to adjourn. I think it my duty to remind you that the annual bill making appropriations for the support of government, and for maintaining the credit of the state, has not been presented to me for my approbation; and to express the hope that the Legislature will not separate without final action upon a measure so essential to the well being and honor of the state.

FRS. R. SHUNK.

Executive Chamber, April 15, 1845.

Call for the Assembly to Convene in Special Session on account of the want of Sufficient Appropriations to sustain the Government.

Gentlemen:—

THE WANT OF THE APPROPRIATIONS REQUIRED to sustain the government and credit of the state, compel me to exercise the power conferred on the Governor by the constitution, of specially convening the General Assembly.

I do, therefore, in pursuance of the authority in me vested, hereby convene the General Assembly of this commonwealth, on this extraordinary occasion, to hold a session on the sixteenth day of the present month.

FRS. R. SHUNK.

Executive Chamber, April 15, 1845.

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To the Assembly Concerning the Cause for the Special Session of the Legislature and the Matter of Passing Numerous Bills at the Close of the Session.

Executive Chamber,  
Harrisburg, April 16, 1845.

Gentlemen:—

ON YESTERDAY, WHEN I WAS INFORMED that the General Assembly was about to separate, without having presented for my approval the ordinary and indispensable bill for the support of government, and for maintaining the credit of the state, a sense of duty left me no alternative but that adopted, of calling you together to-day. It is to this bill that I call your attention at this time, and it is needless for me to urge the importance of its final disposition before you adjourn.

The practice which has sometimes obtained, of passing numerous bills through the forms of legislation at



the closing moments of the session, and leaving them to be engrossed and signed by the Speakers, and presented to the Governor after the adjournment, is attended with much danger, and involves consequences of doubtful constitutionality—the General Assembly having by its adjournment suspended, for the time, the law-making power. I cannot urge upon you too strongly my sense of the importance of discontinuing this dangerous innovation upon former usages.

FRS. R. SHUNK.

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\*Eulogy on Andrew Jackson.

THE DEEP SOLEMNITIES PRODUCED BY THE religious fervor of the comprehensive and appropriate appeal which has been made to the God we worship and adore, leads us to the contemplation of the character and services of our illustrious countryman, whose funeral obsequies we have met to celebrate, with proper feelings, and supplies the imperfection of the sketch I am about to give of his merits. It may well be remarked, with pride and satisfaction, that the great men, to whom we are indebted under Heaven, for our civil and religious rights were generally pure. Virtue and goodness in them sustained their patriotism, heroism and devotion to the public

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\*Harrisburg, July 25, 1845.

To His Excellency Frs. R. Shunk:

Dear Sir: We are anxious to present to the public and with that view respectfully request a copy of the eloquent and appropriate Eulogium, which you delivered yesterday, in the Hall of the house of Representatives, on the life and character of the illustrious Jackson.

It will not only be interesting to the public, as an epitome of the life of this eminently great man, but as presenting views deeply affecting



good; and while their public services are appreciated, their private lives are examples of imitation.

Those adventurous spirits who founded the nation—whose actions fill the pages of true history, with a romance that needs not the imaginings of the poet, to inspire the mind with wonder and admiration—who tore themselves away from early associations, brushed from their eyes the tear of regret which arose upon casting a last look upon the graves of their ancestors, and the homes of their childhood—who sought and found a new country, and founded a new nation, upon which they deeply enstamped the features of their own individuality have for ages slept in their graves; but their achievements, their valor and their devotion to liberty—the religion, virtue and morality, that adorned their lives, are cherished and revered—by their descendants.

When the government of England sought to appropriate the rising greatness of this country to itself, and strip the people of essential rights, men arose in our midst, as good as they were great, in whom the public confidence centered, and by whom the freemen

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the integrity and consequent perpetuity of the Union of the States, a subject that forcibly arrests, the attention of every true American.

With the highest respect we have the honor to be your friends and fellow-citizens:

J. M. G. Lescure  
James Peacock,  
George W. Harris,  
Charles F. Muench,  
Herman Alricks,  
Kintzing Prichette,

John C. McAllister,  
James R. Snowden,  
Luther Reilly,  
Henry Buehler,  
Henry K. Strong,  
Michael Burke,  
Henry Walters,  
A. Boyd Hamilton,  
Com. of Arrangements.

Harrisburg, July 25th, 1845.

Gentlemen: I cheerfully comply with your request to furnish a copy of the Eulogium, delivered by me, upon the life and character of Andrew Jackson; although, I feel conscious you overrate its merits.

Yours respectfully,

FRS. R. SHUNK.

Messrs. J. M. G. Lescure, James Peacock, Geo. W. Harris, Charles F. Muench, Herman Alricks, Kintzing Prichette, Henry Walters, John C. McAllister, A. Boyd Hamilton, James R. Snowden, Luther Reilly, Henry Buehler, Henry K. Strong, Michael Burke, Committee.

of the country were represented in the field and in the council, men whose lives are the pride and ornament of this Republic, and whose actions fill the brightest pages in the history of the world. Washington, Franklin, Adams, and Jefferson and many others, are names for virtue, disinterestedness and patriotism—guided by a light from heaven, incurring as its source, and animated by a love of liberty, as pure as it was ardent, they established our liberties and impressed upon our institutions the wisdom, the forecast, and the purity of their own great minds. They, too, are all gone to the silence of the grave, but their fame will be ever fresh, while mind and memory last. The freedom which they secured was the first great advance that had for ages been made in the science of government. The light it diffused upon a subject so interesting to mankind, provoked the hostility of those whose possessions depended upon the oppression of the race, an opposition like that which ignorance wages against the lights of true philosophy—an enmity like that which pagan superstition cherishes towards the blessed influences of the christian faith. During the thirty years which followed the peace of 1783, the conduct of England towards these states, was repugnant to the acknowledgments she had made. The time arrived when longer to follow peaceful counsels, was faithlessness to the true interest of the country, and war was declared against England in 1812. It is a cherished maxim of despotism, that the strength of government consists in its power to rule independently of the people; and the conclusion which tyranny drew from it, was that our system would be crumbled to pieces by the shock of war, and that our resort to arms would extinguish the light of our government reflected to guide the oppressed. A great question was to be decided. The eyes of the civilized world were upon us. Monarchs and people of all nations, where the story

of American liberty had been told, regarded the result with intense anxiety.

The principal lights in the war of the Revolution had been quenched by death; the knowledge of the art which that revolution had taught was lost in the peaceful pursuits of the nation for thirty years, or was only remembered by the remnant of that gallant band, who felt that time had chilled the ardor, and paralyzed the energies of youth. The crisis had arrived when a nation proud of its origin, proud of the brilliant talents and services of the men that adorned its annals—proud of its inestimable rights and unlimited freedom,—was to determine whether the organic structure of its government could be sustained in the conflict of war; and whether among the descendants of the great and good, who shined like stars in the firmament, men would arise to preserve and perpetuate its institutions, with hands as strong, hearts as pure, and minds as clear as where those of the men who laid their broad foundations, and would in their turn shine as stars in the firmament of liberty.

Here we reach the point in our history, where for the first time, the man whose death we have assembled to commemorate, appears distinctly before the American people, to commence a career of usefulness, of heroism, and of devotion to his country, which gave him a rank with the great men who founded the nation, with the great men who achieved our independence, and with the great men who laid broader and deeper the foundations of liberty, during and since the war of 1812.

Andrew Jackson was born in the State of South Carolina, of Irish parents, on the 15th of March, 1767. He was permitted in his youth to witness some of the stormy scenes of that revolution, which secured the independence of his country. He was himself engaged as a volunteer under Col. Davie, in a battle fought with the British in South Carolina, on the 6th Aug.,

1780, when he was between thirteen and fourteen years of age. The corps of Davie, in which young Jackson fought, says the historian, particularly distinguished itself, and suffered heavy loss. In 1781, he received a wound from a British officer, for refusing, while a prisoner of war, to clean the boots of the insolent ruffian. In 1788, he migrated to Tennessee, where he was soon after appointed Attorney General of the district by President Washington. In 1795 he was elected a member of the convention to form a constitution for the State. In 1796, he was elected a member of the House of Representatives in Congress. In 1797, he was elected by the Legislature of the State a member of the Senate of the United States. In 1798, he was appointed Judge of the Supreme Court of law and equity of the State. In 1801, he was appointed Major General of the militia of the State—in 1814, he was appointed Major General of the Army of the United States. In 1821 he was appointed Governor of Florida. In 1823 he was appointed Minister to Mexico, which he declined, and in the same year he was elected a member of the Senate of the U. S. In 1828, he was elected President of the U. S., and in 1832, he was re-elected. On the 8th of June, 1845, he died, full of years, full of honor, and full of hope of immortal happiness. Jackson's first appearance as a Military Chief, was as commander of the troops levied to carry on the war with the Indians of the South. These red men of the forest, were organized and trained by leaders, in whom were united the double influence of Chiefs and Prophets, and who controlled the religious as well as military ardor of their people, in a war against the U. S., in which they were encouraged and aided by the British agents. They presented a formidable power, which made its demonstrations in acts of savage cruelty inflicted upon the border inhabitants. To reduce this power and protect our citizens, a force was



organized under the direction and control of General Jackson.

A subtle enemy had to be discovered in the recess of his own forest, and pursued through a wilderness with which experience made him familiar and gave him the full advantage of his peculiar mode of warfare; and this, with troops hastily levied, imperfectly disciplined and inadequately supplied. Success to be desirable must be decisive. It was necessary, in order that savage ferocity might be overawed, that irresistible power of the American Arms should be demonstrated. All these objects were attained by the indomitable energy and consummate skill of the American commander. The foe was discovered in his most secret retreats, pursued with increasing activity—defeated in repeated battles, the frontier relieved from its alarms, and the enemy reduced to submission. The quality, the greatest quality of the General, that of inspiring his men, with his own enthusiasm and energy—that presence of mind which instantaneously, in the greatest emergency makes use of us all, and the most appropriate means within its reach—patience under fatigue and suffering which he shared equally with his men—firmness in suppressing mutiny and silencing discontent and harmonizing discord—activity in pursuit—a happy combination of wariness and boldness in his plans—dauntless courage in action, and consummate skill in securing the great ends of the campaign with inadequate means, give Jackson a reputation in this war to which the victory of Orleans itself could scarcely add lustre.

It is not always when the numerical force of armies is the greatest, or the object in controversy of the most stupendous magnitude that the skill of the General is put to the severest test. The victory of Orleans has resounded more throughout the world, it is more familiar to men than those of Talladega, Emuckfan and

Tohopeka; but Jackson only displayed there the same qualities on another theatre, under different circumstances and against a different foe; although in the one campaign the savage only was reduced to submission, and in the other the pride of England was humbled, a city saved from pillage, and the enemy expelled from the Mississippi. The campaign of Italy has contributed more to the fame of Napoleon than those of Austerlitz and Jena, although by the one, a few provinces of Italy only were annexed to the French Empire, while in the other, two great military monarchies were stricken to the earth, and the balance of power in Europe unsettled. The achievement which has diffused the military fame of General Jackson, throughout the world, and made the eighth of January one of the greatest days of the Republic, in the victory of Orleans.

The history of this glorious victory is too familiar to all, to be dwelt upon here. We all know how treason was overawed, how the murmers of discontent were silenced—how all the resources of defence were developed and applied—how a panic-stricken population were encouraged and animated with the spirit of his own patriotism—with the sagacity with which the designs of the enemy were penetrated, and the boldness with which they were met, and how the enemy, baffled on the 23d of December, was immolated on the 8th of January.

We have often rejoiced, and our posterity shall rejoice for all time to come, that our American commander has contributed to military history a victory unparalleled in her annals. Behold a line of American troops, some not wearing even the livery of war, arrayed animated and directed, by the genius of one man, awaiting the assault of nine thousand English veterans, and driving them back terror stricken, and disorganized! and despair not of the ability of a nation of freemen, to defend their country.

Let it not be said that the voice of accusation is heard mingling with the plaudits of his country-men. Nor let this illustrious patriot be accused of trampling upon the constitution of his country in the very hour when he perilled life and reputation to defend it. The declaration of martial law by General Jackson (an act which has been criticised if not censured) was not the exercise of capricious despotism—it was one of the indispensable means of this glorious defence. An emergency had arisen when the Constitution imposed silence upon herself, and became subordinate to a paramount imperious law of necessity. This is another proof of the adequacy of this great heart, to all the exigencies of war. When the danger had passed, and the constitution was no longer silent, amid the din of arms, he recognized her voice, submitted cheerfully to the authority of a civil magistrate, and restrained the indignation which his unjust decision excited. He lived to hear the voice of his country reverse its decree and set the seal of approbation upon his conduct.

This victory spread the military reputation of General Jackson, throughout the world. After a few years of service in the Army, during which his talents and energy were again called in requisition by a war with the Seminole Indians, which he soon brought to a successful conclusion, he retired to the shades of the Hermitage, where he remained in the peaceful pursuits of agriculture, with the exception of a short period while he was Governor of Florida, and Senator of the U. S., until he was called by the voice of the American people, to assume the duties of the highest office in their gift. Whatever differences may exist among his countrymen in regard to some measures of his administration, it must be admitted by all, that the same courageous assumption of responsibility—the same patriotism—the same energy and decision—the same honesty of purpose and the same devotion to the con-

stitution and the Union which distinguished him as a General, he displayed as a Statesman. During his administration, questions arose which agitated the whole community. Even the Union itself was threatened, and gave occasion for an exhibition of devotion to its preservation which commanded universal applause. It may well be added as a remarkable truth, that all the leading measures of his administration, whatever differences of opinion may have existed at the time, have been finally approved by the people.

From the commencement of the government, the Union of the States was an object of the greatest anxiety with all our patriots and statesmen. Jackson's whole life and conduct bear testimony to his fixedness of purpose to sustain this vital interest of our community of States—which, however, slightly it may be valued by some, has been regarded, and is regarded by our greatest, best and wisest patriots, as the foundation upon which we must rest for the perpetuity of our free institutions. The Union of the States cemented by the Constitution, creating general powers for the protection and security of all, and yet reserving to the several States, that essential sovereignty, which is consistent with the powers granted to the General Government, is that perfection of wisdom, which has for nearly sixty years, secured to the people of these States a degree of unexampled liberty and prosperity. It has diffused its blessings throughout the nation, under its mild and expansive influence, this people have advanced in all that dignifies and adorns our nature. Knowledge and the arts are cherished—comfort and abundance are the sure rewards of honesty and industry, and the religion of the Redeemer uncontaminated by any meretricious connexion with the government—resting upon its essential divinity, sheds its mild and humanizing heavenly light upon man's pathway through life, and enables him



by the hopes of a sure inspiration, to look for a place of blissful rest beyond the grave. The father of his country has with great force, earnestness and zeal, enforced the duty of cherishing and preserving this union of the States. He says: "The unity of government, which constitutes you one people is also now clear to you. It is justly so, for it is a main pillar in the edifice of your independence—the support of your tranquility at home, of your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes, and from various quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will most constantly and actively (though often covertly and insidiously) be directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collected and individual happiness. That you should cherish a cordial, habitual and immoveable attachment to it, accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity." Faithful to the Constitution, consistent with himself and true to his country, Andrew Jackson maintained the sanctity of the Union in an emergency when it was most dangerously threatened. Animated and instructed by the counsels and reverencing the example of Washington, when, in 1832, the State of South Carolina attempted to nullify the laws of the U. S., and advanced the doctrine that she had an independent right to secede from the Union, he "frowned indignantly upon the first dawning of the attempt to alienate a portion of our country from the rest or to enfeeble the sacred ties which link together the various parts." While he was anxious to redress the wrongs of which they had just cause to complain,

his decision was clear that as long as the law remained it must be obeyed.

The bold and determined course of the State of South Carolina, the intelligence and chivalric spirit of her sons who were prompt in sustaining it, were met by President Jackson by all the energy that marked his character. In his memorable proclamation of Dec., 1832, he speaks to the citizens of the disaffected State with paternal kindness. He points to the Constitution as the perpetual bond of our Union, which we have received as the work of the assembled wisdom of the nation, in which we have trusted as the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe, to which we have looked with sacred awe, as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here; and our hopes of happiness hereafter, in the defence and support. He invokes the descendants of the Pinkneys, the Sumpters, Ruthledges, and the thousand other names which adorn their revolutionary history, not to abandon that Union to support which so many of them fought, and bled, and died. He adjures them as they honor their memory, as they love the cause of freedom, to which they dedicated their lives, as they prize the peace of our country, the lives of our best citizens, and their own fair fame, to retrace their steps. But having intreated, invoked, and adjured with fatherly affection—having placed before them the motives for returning to the path of duty, he assumes the dignity of the magistrate and denounces the penalty of continued resistance. He tells them they cannot destroy the constitution, they may disturb its peace, interrupt the course of its prosperity, and cloud its reputation for stability, but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot

on the memory of those who caused the disorder. He then announces to his fellow citizens of the United States that a crisis has approached in our affairs, in which the continuance of our uninterrupted prosperity, our political existence and perhaps that of all free governments may depend. He relies with confidence on their undivided support in his determination to execute the laws—to preserve the Union by all constitutional means, to arrest if possible, by moderate but firm measures, the necessity of a recourse to force; and if it be the will of Heaven, that the recurrence of its primeval curse on man, for the shedding of a brother's blood, should fall upon our land, that it be not called down by any offensive act on the part of the United States. With the deep solemnity of a good man he concludes by saying, "May the great ruler of nations grant that the signal blessings with which he has favored ours, may not, by the madness of party or personal ambition, be disregarded and lost; and, may his wise Providence bring those who have produced this crisis to see the folly, before they feel the misery of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire." To this decisive and magnanimous course of President Jackson, distinguished for honesty, plainness, simplicity, and firmness, the Nation was mainly indebted for the return of South Carolina to the communion of her sisters and for the preservation of the Union itself, which was strengthened by the wisdom and force which met the attempt to disrupt it. The continuance of the Bank of the United States presented a question during the Presidency of Jackson, which divided the people of these States. The utility, advantage and necessity of such an institution, were strongly urged on one side, in favor of a re-charter,

while the danger arising from a great concentration of money power, and its evil tendencies in a republican government, formed the ground of objection to it. Andrew Jackson was among those who were opposed to the re-charter of the Bank, and while those in opposition to him upon this question, may deprecate the effects of his course, they must admit the energy and honesty of it. The varied power and influence of this institution, secured the passage of a bill in both houses of Congress, extending its charter in 1832. It was presented to the President for his signature. He was a candidate for re-election the coming November, and might justly anticipate that all this array of power and influence would be marshalled against him if he withheld his signature. But he remained firm and immoveable. His convictions of the dangerous tendencies of the Bank were too clear. He saw the storm gathering around him, but he smiled at its approach—sustained by conscious rectitude, he maintained his position undismayed, and presented an example of devotion to what he believed to be the best interests of the country, and of exalted patriotism like those of Grecian and Roman virtue, which have been consecrated for the benefit and instruction of mankind.

His hostility to that institution was determined and persevering; he believed he was right, and in the strength of that belief, he advanced in the course he had prescribed for himself with unfaltering and uncompromising decision until his object was accomplished. His own words are the best illustration of his conduct that can be given. He says: "In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased. In vain have I since perilled property, fame and life, in defence of the rights and privileges so dearly bought. In vain am I now without a personal aspiration, or the hope of individual advantage, encountering respon-



sibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt, if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now, aspires to no divided empire. If I had been venal I should have sold myself to its design—had I preferred personal comfort and official ease, to the performance of my arduous duties, I should have ceased to molest it. In the history of conquerors and usurpers never, in the fire of youth, nor in the vigor of manhood could I find an attraction to lure me from the path of duty, and now I shall scarcely find an inducement, to commence the career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored and usurpers expiate their crimes. The only ambition I can feel, is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow men, and live respected and honored in the history of my country.” If there is one virtue in the character of General Jackson pre-eminent above the rest, it is the disinterestedness which he here claims, and which his country awards him.

His whole character is strongly marked by heroism, disinterestedness and devotion to his country. The age of fourteen found him in the ranks of war. The indomitable spirit which prompted the boy, the prisoner and the orphan to disobey a degrading order betokened the future hero. A pioneer of the wilderness and yet acquiring under the guidance of his strong understanding, and refined feeling, the polished manners and dignified address which became the elevated stations he filled. A Republican in principal and practice—distinguished alike for honesty of purpose and decision of character, his was an elevated political morality, which

could not stoop to flatter venal passions, but always appealed to the virtue of his countrymen. Gifted by nature with a mind keen in its perceptions and clear in its conclusions, his decisions were seldom wrong and always honest. The warrior of many battles, yet preserved to give the world the example of a tranquil death of a christian, in the bosom of his family.

The great benefactors of mankind, are seldom fully appreciated, nor can they be fully appreciated by the generation to which they belong. Time and the progress of events which have received a direction from their master hands, can only fully develop the value of their service. The achievements of Gen. Jackson in the field, and in the cabinet, must not be estimated by their immediate effects, but with reference to their influence upon the future destinies of the country. The American Government and the American people are invested with the glory of his triumphs, they hold and will hold the eminent rank his services have acquired for them, and feel the dignity and pride of country which they confer. Other nations will be influenced and regulated in their conduct toward us, by the force and permanency which his character and services have enstamped upon our institutions; while our people, young and old, from generation to generation, will regard his biography as among the most precious records of their history, and gather from his life the noblest examples for their imitation. On the 8th of June last, this life, crowded with acts which conferred renown upon his country, and preserved from a thousand dangers, drew tranquilly to its close. Warned of his approach, and armed with the faith and the resignation of a Christian, death came to him as the welcome messenger to open for his entrance the portals of the city of the blessed. The life spent in illustrating the annals of his country, treasuring up immortal fame for himself, glorified God in its close. When the inevita-

ble hour came, stooping from the very highest pinnacle of earthly fame, in meekness and humility, to the very foot of the cross, the venerable old man, his brow bound with civic and military wreaths, bowed his head to the stroke with the dignity the Christian's faith can alone inspire. Childless, the pains of his last illness were assuaged, and its tedious hours beguiled, by affection more than filial, and burst of grief from hearts in which not a drop of his blood was mingled, paid the holiest tribute to his memory when he died.

With paternal admonitions, tender adieus, to those to whom not blood but affection made him father, in the confident hope of a blissful immortality, his spirit released from its frail and decaying tenement has gone to receive his reward.

FRS. R. SHUNK.

Proclamation of a Day of Thanksgiving—1845.  
Pennsylvania, ss.

[Signed] Frs. R. Shunk.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By FRANCIS R. SHUNK, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas, the inestimable blessings, which the abundant goodness of the Supreme ruler of the Universe, has showered upon our beloved Commonwealth, demand our sincerest gratitude and most devout thanks.

I do therefore in accordance with my own feelings and in compliance with the wishes of many of my fellow citizens appoint Thursday, the 27th day of November next, as a day of thanksgiving, praise and prayer to Almighty God. Our dependence on Him as individuals and as a community is so entire, that grati-

tude, thanksgiving and praise are duties as delightful as they are obligatory. To unite as one people on a given day, for the performance of these duties; and, while our own affections are purified and our hearts expanded with piety, to know that at the same instant our brethren throughout the whole Commonwealth with like feelings and with like affections are pouring forth their devout aspirations, will give solemnity and beauty to the exercises, which we may hope will be acceptable to Heaven, while peace and good will upon Earth will be promoted.

Hence I invite all the people of this Commonwealth to appropriate the day designated as a day of thanksgiving—and recommend to all pastors and religious teachers with their people, to assemble at their usual places of Worship and unite in expressions of gratitude to the Great Giver of all good for the numerous blessings and favors we have received at His hands—in preserving to us our great, civil and religious rights—in granting to us a season of health and plenty—in prospering our State and Nation—in crowning with eminent success the institutions of our beloved Country—in preserving to us the blessings of his revealed will, and in continuing to us the offers of mercy through the Redeemer:—And as our dependence on God is so entire that we have all to ask, and our innocence so lost, that we have much to fear, to supplicate Him for the continuance of these rich blessings to ourselves and our posterity, and for that meekness, humility and gratitude which becomes the recipients of His bountiful goodness.

Given under my hand and the Great Seal of State at Harrisburg this twenty-first day of October in the year of our Lord One thousand eight hundred and forty-five, and of the Commonwealth the Seventieth.  
By the Governor.

J. Miller,

Secretary of the Commonwealth.



## Annual Message to the Assembly—.1846.

Gentlemen:—

THE GENERAL HEALTH OF THE PEOPLE, THE rich rewards of husbandry, the quickening spirit that pervades trade and industry, the enlarged prosperity of our country, and its advance in moral and intellectual attainments—these, under a just sense of our dependence, swell our grateful acknowledgments, at this time, to Him from whose beneficence they all proceed. Nothing has occurred since the adjournment of the Legislature, to interrupt the harmony or check the energies of our Commonwealth. On the contrary, intelligent enterprize has been every where crowned with success.

The exertions of our people to meet the engagements of the State, have thus far been successful. The payment, by a number of counties of the whole amount of their taxes for 1845, several months before the time at which they have heretofore been collected, added more than three hundred thousand dollars to the effective revenues of the year; and the last Legislature having excluded certain classes of debts from the claims to be immediately provided for by the Treasury, we have been enabled to pay the interest which fell due on the funded debt within the past fiscal year. On the first day of the present session, the balance remaining in the Treasury was \$625,000 00 which, with the accruing revenues, will be applicable to the demands of the first of next month. We have thus the reasonable and gratifying assurance, that the interest will then also be punctually paid. The public debt of Pennsylvania, on the 1st of December, 1845, as appears from the report of the Auditor General, was as follows:

|   |                 |
|---|-----------------|
| Funded debt, .....  | \$36,739,267 43 |
| Relief notes in circulation, .....                                | 1,258,572 00    |
| Interest certificates outstanding with<br>interest thereon, ..... | 2,888,803 36    |

|                                  |           |
|----------------------------------|-----------|
| Due to domestic creditors, ..... | 99,750 43 |
|----------------------------------|-----------|

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|  |               |
|--|---------------|
|  | 40,986,393 22 |
|--|---------------|

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|---|--------------|
| The interest upon which, according to<br>the Auditor General's computation<br>for 1846, is, ..... | 2,023,996 09 |
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|---|--------------|
| The balance in the Treasury on the 1st<br>of December, 1844, was, ..... | \$663,851 88 |
|---|--------------|

|   |              |
|---|--------------|
| The receipts into the same, during the<br>year ending on the 30th November<br>last, as appears in detail by the re-<br>ports of the Auditor General and<br>State Treasurer, were, ..... | 3,010,062 34 |
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|                                |              |
|--------------------------------|--------------|
| Making an aggregate sum of, .. | 3,673,914 22 |
|--------------------------------|--------------|

|  |              |
|--|--------------|
| The payments from the Treasury dur-<br>ing the same period, were, according<br>to the reports of the same officers, .. | 3,289,028 13 |
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| Which being deducted from the above,<br>shows the balance in the Treasury<br>on the 1st Dec. 1845, ..... | 384,886 09 |
|--|------------|

Being less by \$278,965 79, than it was  
on the 1st December, 1844.

The net amount of available outstand-  
ing taxes on real and personal estate,  
after making allowances for collec-  
tions and exonerations, on the 1st  
Dec., 1844, was estimated by the late  
State Treasurer at \$887,301 71. It  
appears, however, from a subsequent  
estimate, founded upon more full re-  
turns and more accurate knowledge  
of the extent of exonerations, that  
the amount actually outstanding on  
that day, was, ..... \$1,009,778 03

|  |            |
|--|------------|
| The net and available amount outstanding on the 1st Dec., 1845, is estimated at, ..... | 874,544 50 |
|--|------------|

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|   |            |
|---|------------|
| The amount of outstanding taxes on the 1st Dec., 1845, is therefore, less than it was on the 1st Dec., 1844, by the sum of, ..... | 135,233 53 |
|---|------------|

|   |            |
|---|------------|
| Adding to this sum the difference between the balance in the Treasury on the 1st of Dec., 1844, and the 1st Dec., 1845, ..... | 278,965 79 |
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|  |            |
|--|------------|
| We have an aggregate reduction of the balance in the Treasury and of outstanding taxes on the 1st day of December, 1845, as compared with the same items on the 1st of December, 1844, of, ..... | 414,199 32 |
|--|------------|

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From this statement it is apparent, that the receipts into the Treasury during the year, derived from taxation on real and personal estate, and other sources of revenue properly belonging to the year, were less than the demands upon the Treasury for the same period, by the amount above stated. And it is also apparent, that if the Legislature had not postponed the payment of the domestic creditors, and the interest on the certificates issued for interest, and if the cancellation of a portion of the relief notes required under existing laws to be cancelled, had not been deferred, the whole balance in the Treasury would have been exhausted on the 1st of December last.

For the purpose of convenient reference, I have appended to this communication a summary statement, (marked A.,) of the receipts and expenditures of the past year, with an estimate, prepared with much care

and deliberation, for the current year, ending on the 30th November, 1846.

According to this, the receipts of the year from all sources, including \$1,300,000 from taxes on real and personal estate, will be, ..... \$3,217,700 00

Which added to the balance in the Treasury on the 1st December, 1845, 384,886 09

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Makes an aggregate of, ..... 3,602,586 09

Deducting from which the estimated payments during the same period, ... 3,513,996 09

We arrive at an estimated balance in the Treasury, on the 1st December, 1846, of, ..... 88,590 00

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Which is less by \$296,296 09 than it was on the 1st day of December, 1845.

The amount of outstanding taxes on real and personal estate considered available, on the 1st December, 1845, was, ..... \$874,544 50

To this is to be added the assessment for 1846, which, according to the best estimates will yield a net revenue, after deducting allowances for expenses of collection and exonerations, of, ..... 1,180,000 00

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Making an aggregate of, ..... 2,054,544 50

If from this aggregate we deduct the estimated collections from these sources, during the year 1846, ..... 1,300,000 00

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The difference, ..... 754,544 50

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Will be the estimated amount of taxes, which on the



first December, 1846, will remain outstanding; being \$120,000 00 less than was outstanding on the 1st December, 1845.

|   |              |
|---|--------------|
| When to the reductions, thus to take place, in the outstanding taxes within the current year, .....   | \$120,000 00 |
| We add the difference between the balance in the Treasury, on the 1st day of December, 1845, and the estimated balance in the Treasury on the 1st December, 1846, ..... | 296,296 09   |
|   | <hr/>        |

|   |             |
|---|-------------|
| We arrive at an aggregate reduction of these two items, within the fiscal year, ending 30th November, 1846, of, | 416,296 09  |
|   | <hr/> <hr/> |

From this view of the subject it is apparent, that the assessment of the year 1846, on real and personal estates, and the revenues of the year proper, derivable from all other sources, taken together, will be insufficient to meet the demands upon the Treasury during the same period, by the sum of \$416,296 09; and that in supplying the deficiency, the balance in the Treasury on the 1st of December, 1846, will have been reduced to \$88,590 00, and the arrears of outstanding taxes to the sum of \$75,544 50. It is plain, therefore, that our present financial system is inadequate to supply the means of meeting all the demands on the Treasury, except when aided from the balance which had accumulated before the payment of interest was resumed, and by collections from the arrearages of taxes of former years—both of which will soon be exhausted.

I am constrained to add, that all these calculations and estimates, pre-suppose that the demands on the Treasury will not be permitted to transcend their ordinary limits, and that no appropriations will be made by the Legislature to new objects. These are not an-

ticipated, because in the present state of the finances, every new appropriation may well be regarded, not as a grant of money unincumbered in the Treasury, but rather as an abstraction of funds, specifically appropriated already, and rightfully belonging to the public creditors.

The deficit in our means, under existing laws, presents for the deliberations of the General Assembly, a topic of paramount importance. It may be remembered that, in the month of January last, I expressed the opinion, in an Executive message, that our finances had not then reached a condition to enable us permanently, and at once, to resume payment of the full interest on our public debt. I regret that subsequent examinations and reflection, have not permitted me to believe that I was then in error. But the legislative action on the question has changed the entire aspect of our duties, and rendered it useless to revert to former views of policy. The payment of interest on the funded debt of the Commonwealth, was, in fact, resumed on the 1st of February, 1845. By that act, the State asserted her present ability to meet her engagements; and it must be our care that the pledge, thus renewed, be not again violated. The credit, fidelity and honor of Pennsylvania, all demand, that, henceforward, the interest on her public debt shall be punctually and fully paid.

Heretofore, we might have pleaded the unexpected failure of the depository Bank of the State, a few days before the interest was payable, and when the moneys appropriated to its discharge were accumulated in her vaults—the sudden destruction in value of nearly the entire currency in general use—the prostration of individual credit, and the deep and universal pecuniary embarrassment of the people. But now, all are prospering—the currency is restored to a good degree of soundness—our revenue system, though still imper-

fect, has greatly increased in effectiveness and certainty—enterprise is renewed, and the people, happy in their institutions, and confident in themselves, look to the appropriate action of the Legislature to make provision to satisfy the public wants.

The present period is, in truth, the crisis of our affairs. Prompt and effective measures now, to make a moderate addition to our revenue, will restore to Pennsylvania, for all future time, that proud position from which she has temporarily been made to stoop, by a course of policy that never met the approval of her people. But the addition must be made at once. Unless the estimates that have been presented, shall prove essentially erroneous, the balance in the Treasury, on the first of December, 1846, will not exceed one hundred thousand dollars. It is, therefore, obvious that if the receipts at the Treasury, during the months of December, 1846, and January, 1847, do not greatly exceed the receipts of the corresponding months of any preceding year, when the amount of outstanding taxes was greater than it will be then, a deficit must occur in the means of the Treasury, to pay the interest which will become due on the 1st of February, 1847. The necessity of the adoption of immediate and efficient measures, to guard against a result which would be so fatal to the renewed faith and honor of the State, cannot be too strongly enforced upon the attention of the Legislature.

Intimately connected with the subject of our finances, is that of the banking system of the State. The evils that have resulted from the manner in which it has been administered, and some of those more essentially connected with its organization and tendencies, have been felt by all. Yet, it may well be doubted, whether the whole of the mischiefs which it has instigated, has been traced back to their fruitful and pernicious cause. Not only has it stimulated indi-

viduals to ruin, but States have been led by its seductive and corrupting influences, into a course of wild extravagance, and consequent bankruptcy. Public debts have been contracted, even the interest of which could scarcely be met, by the most onerous taxation; while, in other cases, the faith of the government, which ought always to be held sacred, has been violated in time of profound peace.

The history of Pennsylvania, since the beginning of the year 1836, is a painful illustration of this truth. In December, 1835, when Governor Wolf retired from office, two months before the incorporation of the Bank of the United States, the State debt of Pennsylvania, was \$24,589,743 32. It is now, exclusive of the amount received as a deposit from the general government, \$40,986,393 22, making an increase of the State debt, in ten years, of \$16,396,649 90, notwithstanding the receipt in the mean time, of \$2,867,514 78 of surplus revenue from the United States, and of \$3,446,780 21 as premiums for bank charters.

In contemplating this startling fact, we naturally look round for the meritorious objects of State policy, for which this vast aggregate of twenty-two and three-quarter millions of dollars has been expended—we find none of any magnitude. The main line of canal and railway between Philadelphia and Pittsburg, has been completed, and was in successful operation. The Delaware division, the Susquehanna and North Branch divisions, to the mouth of the Lackawanna, the West Branch division to Queen's run, the Beaver division to New Castle, the Franklin line and the French Creek feeder, were all substantially finished when Governor Wolf left the Executive chair, and the sum of \$344,619 09, was all that remained to be paid for completing them.

The State has reached a point in her improvement system, at which she could have suspended operations



without loss. The scheme of direct taxation, to pay the interest on the State loans, which had been introduced under Governor Wolf's administration, was admonishing the people of the inconvenience of a public debt. Every thing indicated that the further progress of our State improvements was to be deferred, till time had tested the productiveness of the finished works, and the increasing development of our resources had invited and justified their further extension.

It was, at this time, that the act of 18th February, 1836, was passed, entitled "An Act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals, and to charter a State bank, to be called the United States Bank." The first section of this act rescinded the system of taxes, which had been devised for the protection of the public credit—while, by other sections, more than two millions of dollars to be received from the bank, were appropriated at once to the prosecution of company works, and the commencement of new ones, under the direct charge of the State. To enable the Commonwealth to consummate this wild extension of improvements, six millions of dollars were promised as a permanent loan to the State, at an interest of four per cent., and other loans at the same rate were to be made, when required, to the amount of one million of dollars annually. Under the impulse of this act, and of the influences which effected its passage, a new series of improvements were begun at once, all of which, after the expenditure of many millions, now forming part of the public debt, and the cause of increased taxation, have been abandoned by the State, and have passed, most of them, into the hands of companies, which have paid no consideration for them.

It even seems, that the State has not limited its gratuities to the works thus commenced. The Beaver

division, and the Wyoming line, on the North Branch, embracing forty-three miles of canal in actual use, and the French Creek feeder, costing together, \$1,222,927 81, and all of them finished in 1835, have been given away to companies, and leave the State with a less extended system of improvements now, than it had when the Bank of the United States was chartered.

The progress of these works was marked by the declining credit of the State until, after the most desperate resorts,—the sale of a further suspension to the banks in 1840, and a loan in 1841 by the State to herself—by the device of issuing relief notes—the proclaimed bankruptcy of the Commonwealth forcibly arrested them.

But the evil did not stop here. When the works were abandoned, the State was largely indebted to the contractors, whose claims were regarded as of primary obligation. To satisfy them, a law was passed, requiring the sale of the bank stock, and other stocks which were owned by the State. These stocks, which had cost the Treasury nearly \$4,200,000, were, at a most unpropitious moment, sacrificed for a fraction more than \$1,405,000.

However painful these recollections of pecuniary loss may be, there were attendant circumstances of graver and more momentous concern to the patriot. A new element of power found its way into our elections. The elective franchise was violated and abused—the declarations of the public will were disregarded and defied, and the very existence of our free institutions was menaced with revolution and destruction. I allude to the memorable crisis of 1838, when a direct attempt was made, by the leaders of a minority, to usurp the government, and to substitute their dictation for the voice of the majority of the people. These scenes had their origin, beyond doubt, in a spirit of reckless confidence in the power and corrupting influence of money to control the State.

Apart from these political consideration, the influence of a vitiated paper system upon the general and ordinary interests of life, is baneful and pernicious. Hitherto, there has virtually been nothing in the organization of banks, to limit the extent and define the character of their action, but the discretion of their directors. A few individuals, constituting the efficient portion of the boards of management, are, in fact, the depositories of this discretion; and as a general rule, subject no doubt to many honorable exceptions, it is exercised with primary, if not exclusive reference to the supposed interests of the bank.

While the business of the country prospers, and the spirit of speculating enterprize is stimulated by success, they extend their accommodations liberally, and fill the channels of circulation with a redundant and depraved currency. An unnatural rise of prices is the consequence. Importations increase in defiance of any discriminating tariff—extravagance invades all the departments of society—indefinite credit invites to a thriftless extention of indebtedness, till, at last, the laws of trade, unchanging as those of nature, produce reaction, and the whole artificial machinery is crushed. The people of the country are indebted to the cities; the cities are indebted abroad, where the promises of the banks are not accepted as money; and the banks are called upon to redeem their notes in coin. This they can only do by drawing in their means, refusing new accommodations, and pressing their debtors for payment. The circulation of the country is suddenly contracted, property is sacrificed in many instances without relieving the debtor, and his energies are paralyzed by hopeless insolvency.

Such, within the recent memory of all of us, has been the action of a vitiated banking system, on the faith of the State, the stability of her institutions, and the free energies of her people. It has taught us a grievous

lesson of suffering; but it will not have been altogether unproductive of good, if it has impressed on us the solemn and imperative duty of guarding against a recurrence of similar evils.

The abuses of the banking system are found in many forms; but they are essentially the same in their origin and result; excessive issues of paper, and its consequent depreciation. To give the power of manufacturing money, yet effectually to limit its exercise by legislation, is practically impossible. It is obvious, that no enactment can absolutely prevent the unlawful issue of paper by a bank, which has the lawful right to issue any. Returns of bank officers, however exactly prescribed, or honestly made, give no security for the periods that elapse between them; and inspections of the affairs of the banks by commissioners, which have been resorted to in other States, are apt to induce a dangerous reliance on the vigilance of such officers.

It may be, that the principle of individual liability for corporate engagements, which has recently been inserted in some of our charters, may, when properly extended and made more directly operative, secure not only the creditor from loss, but the currency from dangerous fluctuations. The experiment should be fairly made in the case of every bank, that may ask a renewal of its charter. That its progress may be the better tested, I respectfully recommend that the banks be required to make monthly returns of their condition to the Auditor General; and that these be so arranged, as to present a more complete and exact view of their transactions than is furnished under the existing law. This will facilitate the future enquiries of the Legislature; and the periodical publication of the returns will secure to such of the banks as are legitimately administered, the reward of their faithfulness, in the increased confidence of the public. I need scarcely add, that the claims of the banks to general confidence



should be thoroughly investigated and fully ascertained before their charters are extended.

These recommendations have special reference to applications from existing banks. In my judgment the capital now invested in these institutions, is amply adequate to the business wants of the community. The times do not indicate the present necessity of any additional stimulus to the spirit of enterprize, and I cannot allow myself to hazard, by any act of mine, a possible renewal of the excesses which we have witnessed so recently.

Pennsylvania combines in an eminent degree, the three great elements of individual and national wealth, agriculture, commerce and manufactures; and the pursuits and industry of her people are profitably divided among them. Her hills and mountains are almost everywhere filled with inexhaustible supplies of iron ore, and mineral coal; and her valleys abound with water power for propelling machinery, in the midst of the finest agricultural regions. She has constructed, at great cost, a line of improvements by canals and railways, connecting the waters of the Atlantic with those of the great west; which not only affords our own citizens a cheap and convenient mode of transporting their products to market, but also benefits the internal trade and commerce of a large portion of other States of the Union. The North and West Branch canals, and the Delaware division, in connexion with various improvements owned by companies, besides opening markets to the productions of the farmer, furnish outlets for our coal and other minerals, by which not only our own citizens are supplied, but also those of the neighbouring and eastern states, to the great advantage of both. Many parts of the State are also found most favorably adapted to the growing of wool, another great staple of national independence; and the successful application of mineral coal, to the smelting

of iron, has given a new impetus among us, to this most important of all the branches of manufactures.

It is not surprising, therefore, that our people feel a deep anxiety in regard to the adoption or the change of any policy, on the part of the federal government, which may be supposed to affect such great interests. The regulation of a tariff on imports, so as to favor the development of our domestic resources, and give satisfaction to the various parts of the Union, has long been a vexed and exciting question. Its influences for good or evil, have no doubt been greatly exaggerated in different sections of the country. The true policy of the nation would seem to lie between the extremes of those who claim high duties for the mere purpose of protecting particular interests, and those who would not discriminate at all, in laying revenue duties, for the purpose of favoring the productions and industry of our own country.

Any course of policy which would have the effect to check the intelligent and honest enterprize of our citizens, and to retard the development of our national resources, can never receive the sanction or acquiescence of the people of this confederacy. It is readily conceded, that no more moneys ought to be collected from imports than are necessary to meet the constitutional requirements of the government, economically administered. But, on the other hand, it is maintained with entire confidence, that in laying duties for this purpose, such discriminations for protection, as well as revenue, ought to be made, as will favor our own productions and industry, particularly in reference to articles which are of primary national importance, and indispensable in time of war.

This policy was expressly avowed in the first revenue law for levying duties upon imports, passed after the adoption of the federal constitution, and has been recognized and adhered to by the federal government,

and sanctioned by the people of the States, from that day to the present, unless indeed the compromise act of 1833, be considered an exception; and it will be adhered to, so long as we have a due regard to our individual and national prosperity and independence.

A tariff of discriminating duties, based on the principles indicated, and so adjusted as to secure permanence in its provisions,—sustained in its protective effects by the operations of a constitutional treasury, in regulating the issues of our banks, and checking excessive importations of merchandize, will, it is believed, give more stability to the general interests and business of the country, than any other system of policy within the control of the federal government.

I refer to the report of the Canal Commissioners, for a detail of the proceedings during the past year on the public improvements of the State. This document contains, among other things, a statement, exhibiting the amount of tonnage that passed over these works during the year, which, when compared with that of past years, will shew their increasing value. It does not, however, exhibit near the whole amount of our internal trade, as a very large proportion of the products of agriculture and manufactures find their way to market through other channels of communication, and by far the greatest amount of our coal is transported upon company improvements.

By the statement referred to, it appears that eighty-six thousand two hundred and thirty-one tons of iron, in its various forms, passed over the canals and railways of the State during the season. How much found its way to market upon our rivers and company works, I have no means of ascertaining with accuracy, but, most probably, an amount equal to that which was carried on the State improvements.

From the best information I have been enabled to obtain, no less than two millions of tons of anthracite

coal were taken out of the mines and carried to market during the last year, the greater portion of which was sent to the Eastern and neighbouring States, being an increase of about twenty-five per cent. over the operations of the preceding year, and, it is believed, the trade in this article will increase in even a greater ratio the present year. Of the bituminous coal, a very large amount was also mined and sent to market. It is estimated, that not less than thirteen millions bushels were consumed at Pittsburg and in its vicinity, and about six millions of bushels were transported from that point down the Ohio river.

I advert with great satisfaction, to the growing confidence of the people in the success and management of our State improvements, which has been secured by the vigilance and economy of the Canal Commissioners.

The importance of these works, as a contribution to the national defence, and their value to the citizens of other States, as well as our own, cannot be too highly appreciated. They are now yielding a considerable portion of the revenue to meet the claims upon the Treasury. The security of the public creditors, and the faith and honor of the State, are most intimately connected with their success and productiveness. They, therefore, demand the special care and vigilance of the Legislature, by which the income they are now yielding, may be secured and advanced with the increasing business of the country.

In this connection, there are few objects of national concern in which Pennsylvania has a deeper interest, than in the appropriation for removing the obstructions to the navigation of the Ohio river, to the city of Pittsburg, which is a port of commercial entry. The claims upon Congress, to expedite the completion of this work, long since commenced, as one of national interest, derive great force from the communication it



would facilitate between the western and south-western States, on the one hand, and those of the Atlantic, on the other, by means of our public improvements.

The legislative enactments of the last few years, have introduced numerous improvements, in the system of levying and collecting the revenues of the State, and have guarded their expenditure with more care than formerly. I have every reason to believe, that these laws are strictly and honestly administered by the accountant and treasury departments; and that the influence of their authority and example, has had a salutary effect upon all the public agents. Much, however, remains to be done to perfect our system of taxation. Complaints are made, that several of the taxes now levied are rendered unproductive, as well as oppressive, by imperfections in their assessments. Personal estates, that should bear a share of the public burthens, escape altogether, by the interposition of a trust, between the ostensible and the beneficial owners. The property of many corporations is exempted from taxation by special laws, while that of others of the same classes, and equally meritorius, remains bound. Securities for the payment of money, are by the words of the law, made taxable, which are, in fact, the mere evidence of passing transactions, and can, in no degree, be regarded as even temporary investments of the property of those in whose hands they are found. The simple exhibit, by the citizen, of his personal estate, made without any other sanction, is substituted, generally for a less equivocal mode of ascertaining its amount and character. It should not be forgotten, that the tax which one citizen eludes, or is legally relieved from, is distributed among the rest, and forms an addition to their burthens. Justice to the tax-payers requires that this should not be suffered. The whole subject, however, is one peculiarly within your province, and I commend it to your prompt and serious consideration.

The report of the Adjutant General, exhibits the condition of the militia and volunteers, and of the arsenals and military property of the Commonwealth. It contains, also, judicious suggestions in regard to the care of the public property, and the improvement of the militia system.

As the nations of the world have not united in providing, by paramount law, for the peaceful adjustment of disputes between separate sovereignties, a military organization is essential to repel aggression, and maintain the rights of the republic. In a nation of freemen, capable of self government, a well organized militia is adequate for these purposes, in all ordinary contingencies. Every man feels the conscious dignity of being a part of the national sovereignty, and the proud duty of defending his own rights, and the rights of all.

Various opinions are entertained as to the best organization of the militia, and I cannot hope that a discussion of them here will lead to any profitable result. Our volunteers, whose time and talents have been largely given to the acquisition of military knowledge, present a formidable force, which may compare, advantageously, with that of any other State. Their conduct and discipline have secured the public confidence, and they merit such well devised legislation, as will secure their continued efficiency and increasing numbers.

The incalculable benefits of our system of Common School instruction, are extending themselves throughout the whole Commonwealth, strengthening, improving and elevating mind, and preparing the generation which is to succeed us, for usefulness and just apprehensions of duty. In country districts, where the population is scattered, and a large portion of the children find active employment for near half the year, the system cannot reach all the ends that are accomplished

in cities and towns. But the signal and extensive advantage resulting from it, throughout the State, as shown in the comprehensive report of the Superintendent of Common Schools, give assurance, that Pennsylvania has laid the broad and deep foundation for the perpetuity of her institutions, by securing a sound, intellectual and moral education, for all her children.

I have lately, with the Superintendent of the Public Schools, visited the city of Philadelphia. There is much for the good man to admire, in the variety, comprehensiveness, and beautiful arrangement of her benevolent and charitable institutions, and to warm his gratitude towards the men who founded, and who now direct them. But, there is a moral grandeur presented to the patriot, in her public schools, that surpasses them all. By the former, which cannot be commended too strongly to the continued favor and fostering care of the Legislature, comfort and instruction are provided for a few, who are excepted from the mass by special misfortune. But the latter are a blessing to all; they provide for improving and elevating the whole body of the people, and for qualifying every child in its onward way to maturity, by sound mental and moral instruction, for filling up its measure of usefulness, and accomplishing, intelligently, the ends of its being. That community is happy, in which the system of general education is so widely diffused, and so well administered, as I have seen it in the city and county of Philadelphia.

Allow me, gentlemen, before closing this communication, to tender to you assurances of my hearty co-operation in your efforts to maintain the faith of the Commonwealth, and advance the welfare of our constituents. To secure these great objects, with the more certainty, it is desirable that the indispensable business of the Legislature should be acted on at an early period, and that no important subject of legisla-

tion should be deferred to the closing days of the session.

The practice, which has sometimes obtained, of affixing the Executive approval to bills during the recess, seems to me to be opposed to the policy of the constitution, while to act on them in the crowded hours that precede a final adjournment, requires a decision, without affording time for consideration—hence, a rule securing reasonable time for Executive deliberation, on bills presented to him, near the close of the session, is most desirable.

Since the last session of the General Assembly, it has pleased Almighty God, to withdraw from the view of the American nation, its most eminent and best loved citizen. After a life devoted to his country, the defence of her soil, her institutions and her honor, ANDREW JACKSON has passed to his rest—leaving to the friends of liberty, throughout the world, the precious inheritance of his example, and the consecrated memory of his services. His last moments were serene and admirable. Death found him awaiting its approach, with a heart expanded in universal charity, and his spirit brightening as it drew nearer to the Saviour in whom he trusted. That he lived, has been the long extended theme of patriotic gratulation—that he so died, must crown the devout thanksgivings of the Christian.

FRANCIS R. SHUNK.

Executive Chamber, Harrisburg, January 7, 1846.



To the Senate Nominating George Dickinson to be an Associate Judge of the Court of Common Pleas for Elk County.

Executive Chamber,  
Harrisburg, January 19, 1846.

Gentlemen:—

I NOMINATE GEORGE DICKINSON, TO BE AN associate judge of the court of common pleas of Elk county, to fill the vacancy occasioned by the resignation of James L. Gillis.

FRS. R. SHUNK.

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To the Assembly Concerning the Payment of Certain Transportation Guarantees.

Gentlemen:—

I IN PURSUANCE OF THE PROVISIONS OF THE thirty-second paragraph of the first section of the general appropriation act, of the 16th April last, which is in these words: "For the payment of the amount of the guarantee to the Danville and Pottsville railroad company, as per act of eight April, eighteen hundred and thirty-four, being the instalment due January and July, eighteen hundred and forty-five, the sum of fifteen thousand dollars; and that the appropriations for guarantees to the Bald Eagle and Spring Creek navigation company, to the Tioga navigation company, and the Danville and Pottsville railroad company, made in this act, shall not be paid out until the Governor shall appoint three commissioners, whose duty it shall be to examine the affairs and works of said companies, and on whose report the Governor shall be satisfied, that the substantial requirements of the several acts of Assembly, relating to said companies,

have been fully complied with, and that no fraud has been perpetrated on the Commonwealth; and such commissioners shall receive two dollars per diem, and ten cents per mile, for every mile actually travelled in discharging their duty, which said commissioners shall report on or before the first of August next: And provided, That the said guarantees shall not be paid until the said first of August next, and then, in the same proportions and manner as the interest upon the funded debt." I appointed John M. Forster, of Dauphin county, Robert H. Hammond, of Northumberland county, and David D. Wagener, of Northampton county, commissioners to "examine the affairs and works of said companies," who accepted their appointments, and as appears from their report, (a copy of which is herewith transmitted,) discharged their duties with fidelity and ability.

On the receipt and examination of their report, I was satisfied that the substantial requirements of the several acts of Assembly, relating to the Bald Eagle and Spring Creek navigation company, and to the Tioga navigation company, had been fully complied with, and that no fraud had been perpetrated on the Commonwealth. I therefore directed payment to be made to the loan holders of the said companies, agreeably to the provisions of the act above recited.

The condition contained in the act making the appropriation for the payment of the interest on the loans of these companies, is in very strong terms, and directs that the substantial requirements of the laws relating thereto, shall be fully complied with. From the report of the commissioners, it appears that the Danville and Pottsville railroad company has not fully complied with the requirements of the acts of Assembly in relation to it, and under the condition annexed to the appropriation, I did not feel myself authorized to direct the payment of the interest to its loan holders.

It will be perceived on examination of the act of 8th April, 1834, entitled "An Act to guarantee the interest on loans to the Danville and Pottsville railroad company," that it guarantees the payment of the interest on \$300,000 00, for the term of twenty-seven years, at a rate of five per cent. per annum: "Provided, That the income and receipts arising from the use of the said road, together with the premium, if any, that may be obtained on the sale of the said certificates of loan, shall be insufficient to pay the interest aforesaid." This condition seems to be the only one annexed to the guarantee of the payment of the interest, and unless the State can shew that the income from the road is sufficient to pay the same, I can perceive no ground upon which she can claim exemption therefrom, that would not be available against any other contract or engagement she has made.

Some of the annual statements of the company exhibit balances, which would seem to have been applicable to the payment of the interest of those years in part; but it is alleged by the treasurer of the company, in a communication herewith transmitted, that there were claims outstanding against the company for the same years, sufficient to absorb the balances appearing on the official statements.

However much the policy, which led to the adoption of the system of making such guarantees, may be deprecated, it is our duty to see that no injustice be done to those who confided in the faith of the State, in loaning their money to these companies. I therefore recommend the whole subject to the deliberate consideration of the Legislature, to make such provision in regard to it, as may be just to the individuals concerned, and compatible with the integrity and honor of the Commonwealth.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, Jan. 20, 1846.

To the Senate Nominating Charles Lyman to be an Associate Judge of the Court of Common Pleas for Potter County.

Executive Chamber,  
Harrisburg, January 26, 1846.

Gentlemen:—

**I** NOMINATE CHARLES LYMAN TO BE AN ASSOCIATE judge of the court of common pleas for the county of Potter, in the room of Timothy Ives, Esq., resigned.

FRS. R. SHUNK.

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To the Senate Nominating Fergus Cannon to be an Associate Judge of the Court of Common Pleas for Indiana County.

Executive Chamber,  
Harrisburg, January 27, 1846.

Gentlemen:—

**D**URING THE RECESS I COMMISSIONED FERGUS Cannon an associate judge of the court of common pleas of Indiana county, in the room of James M'Kennan, deceased. I now nominate him to the Senate for that office.

FRS. R. SHUNK.

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To the Assembly with a Claim of the Post Office Department upon the State for Tolls Illegally Collected.

Gentlemen:—

**I** HAVE THE HONOR TO TRANSMIT TO THE General Assembly, copies of a communication received from the Auditor of the Post Office Department at Washington, and the accompanying document—Vol. VII.—4th Ser.



ments. These present a claim of \$4,418 against the commonwealth, being the amount of certain tolls collected by the authorities of this State, on stages owned by Stockton and Stokes, and employed by them in carrying the mails of the United States over that part of the Cumberland road which lies in Pennsylvania.

These tolls, it appears, were re-imbursed by the Post Office Department to Stockton and Stokes, and the claim of the department upon this State to have the amount refunded, rests upon a decision of the supreme court of the United States, a copy of which is included in the accompanying documents.

The whole subject is respectfully submitted to the consideration of the General Assembly.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, January 27, 1846.

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To the Senate Nominating William N. Irvine to be President Judge of the Nineteenth Judicial District.

Executive Chamber,  
Harrisburg, February 5, 1846.

Gentlemen:—

I NOMINATE WILLIAM N. IRVINE, OF ADAMS county, to be president judge of the nineteenth judicial district, composed of the counties of York and Adams, in the room of Daniel Durkee, resigned.

FRS. R. SHUNK.

To the Senate Nominating William Kerr to be an Associate Judge of the Court of Common Pleas for Allegheny County.

Executive Chamber,  
Harrisburg, March 2, 1846.

Gentlemen:—

**D**URING THE RECESS A COMMISSION WAS granted by me to William Kerr, to be an associate judge of the court of common pleas for the county of Allegheny, in the room of John Anderson, resigned, and I now nominate him to the same.

FRS. R. SHUNK.

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To the Senate Nominating James Fuller to be an Associate Judge of the Court of Common Pleas for Fayette County.

Executive Chamber,  
Harrisburg, March 9, 1846.

Gentlemen:—

**I** NOMINATE JAMES FULLER, TO BE AN ASSOCIATE judge of the court of common pleas of Fayette county, to fill the vacancy which has occurred by the resignation of Robert Boyd.

FRS. R. SHUNK.

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To the Senate Vetoing "An Act to Incorporate the Managers and Company of the Conestoga Steam Mills, in the City of Lancaster."

Gentlemen:—

**T**HE BILL ENTITLED "AN ACT TO INCORPORATE the Managers and company of the Conestoga Steam Mills, in the city of Lancaster," has been presented for my approval. It provides for the incor-

poration of the subscribers to the capital stock of the company, to the amount of one hundred and thirty thousand dollars, which may be increased to three hundred thousand dollars, to be employed in the purchase of a site in the county of Lancaster, and the erection of buildings and machinery necessary for the prosecution of the business of making cotton goods, or goods composed partly of cotton, or for bleaching, dying or printing such or any other goods.

The bill contains provisions for securing a correct and faithful administration of the affairs of the company, and it throws around the share holders the usual corporate privileges, by which their property, not invested in the funds of the company, is exempted from liability, should the corporate funds at any time be inadequate to the payment of the debts of the company.

The question involved in the incorporation of this company is one of no ordinary importance. It is simply this: whether those citizens who have been fortunate in the acquisition of means, shall be authorized by law to invest a portion of their property in a branch of business, which is regarded as among the most profitable, and is as little liable to change as most others, without incurring the liability of paying all their debts, should the investment prove to be unfortunate.

Although this corporation is to be located at Lancaster, the question presented by the bill cannot be regarded as a local one. On the contrary, it involves in its terms and tendencies a radical change in the policy of the State. If it be right that this lucrative branch of business should be conducted under the protection of corporate privileges in the county of Lancaster, then it is right that it should be so conducted in every county. Hence, the incorporation of this company presents a general question, in which the whole people of the commonwealth are interested.

The employments that occupy the industry and talents of our citizens, are principally agricultural, commercial, manufacturing and mechanical; success in all of which, with accidental exceptions, depends upon the skill and industry of those who engage in them. Eager, economical and vigorous men embark in them, stimulated by competition, yet admonished and guarded against too daring adventure by a conviction of the hazards that attend it. It is this generous emulation and regulated enterprize, and the intelligent thrift which looks to more remote, but also more certain results, that have so signally advanced our prosperity among nations. It is not by looking to special legislation for privileges which are denied to others, nor by reposing on the skill or fidelity or energy of corporate agents, but by a just and manly self reliance, that men secure their own progress and the well being of the State. It is this, under the guardianship of equal laws, which conducts successfully the great business concerns of our country, develops its resources and diffuses happiness among the people.

This is the natural state of things; or more properly speaking, it is the order of Providence. It has extended our commerce to the utmost bounds of the habitable world; it has opened our mines and established our factories; it has built up our cities and towns, and filled them with abundance and comfort; it has improved our country and furnished all the necessities and conveniences of life for ourselves, and a large excess for exportation; it has erected our temples of religion, our seminaries of learning, established our common schools and made us a great people. Thus we have advanced and are advancing by a system of natural and simple policy, which opening every avenue of business to all who have skill, and strength, and means to enter upon it, embarrass industry by no artificial regulations, but secures to every man his earn-



ings, by holding every man liable, to the extent of his means, for the payment of all his debts.

Why should this system be changed? Is it because the accumulated wealth of our citizens has become too timorous to accept investments for profit, unless divested of their attending perils? What right have they, whose property was acquired in the vigor and confidence of earlier life, to ask that the same equal laws which favored their advancement, shall be denied to those who have come after them? Why should they seek to abstract from general competition, an important and lucrative branch of industry, and devote it as a privileged investment to the uses of corporate wealth? The adoption of such a system might gratify an over-weening anxiety to increase and perpetuate individual wealth; but it would necessarily be destructive of that equality, which, placing no special protection around one man or set of men, generously leaves open to all an equal chance in the great business of life, free as the air they breathe.

The tendency of such a system, would be gradually and permanently to change the most favored and long established policy of the State. If the merchants and manufacturers, the mechanics and the agriculturists, who have been fortunate in their respective pursuits, are encouraged by this change, when their day of enterprise and exertion is past, and when the caution of age is advancing upon them, to aggregate convenient portions of their wealth, under special privileges, and place it in the care of dependents, to control business, for the management of which they feel themselves to be individually inadequate, then corporate wealth will in due time rule the commonwealth.

By the adoption of this system a great portion of the wealth of this country will be placed under the protecting shield of corporate privileges, and there it will remain concentrated and perpetuated. It is true that

the death of shareholders and other causes will from time to time throw their interest in the market; but it is one of the most certain results of a system of monopoly, that the circle of those who share its advantages is constantly becoming less, until at last all are excluded except those who possess the amplest means to retain it permanently.

Our admirable system of distribution under the intestate laws will thus, to a certain extent, be frustrated. Now all the property of the commonwealth is, by the laws of nature, and the laws of the land, from time to time divided and put into circulation. The largest accumulations, by the most fortunate men, yield to the resistless influence of our system of distribution; and in every revolution that occurs, the industrious and skillful secure their full share, not as dependents upon corporations, but as independent freemen, until death, accident or extravagance changes the ownership. It is this just and natural order of things which excites to exertion, animates hope and strengthens confidence.

The plausible fallacy has been sometimes advanced, that with corporate privileges men of limited means, by aggregating them, may enter into successful competition in extensive business with the wealthy. This fallacy has had its day of success in the establishment of banks. But how long has the stock of any of these institutions, which have been measurably successful, been diffused among the people to any extent. Only until there was time to dispel the fallacy, by demonstrating that the money-lenders in a community are necessarily few in comparison with the whole number of people. It is a general truth that money-lenders become the holders of the stock, yielding profits in banks and other corporations. This results from causes as natural and unvarying as they are resistless. No man of moderate means, with any vigor, can be

found, who cannot and who does not by his industry and skill make a larger profit on his capital, than he can receive by putting it in the hands of managers and agents. This proposition is conclusively sustained by the progress, and the closing scenes of all our corporations, as well as by the general prosperity of individuals who have taken care of their own property.

The freemen whose generous aspirations are encouraged and rewarded by our equal laws, would regard as a mockery, any offer to admit them as small shareholders in a wealthy corporation, in whose administration they would hold no manner of rank.

But, there are in my opinion other serious objections to the system proposed by the bill. Aggregate corporate wealth employed in any branch of industry, which has already engaged the enterprize and capital of individuals, either is or is not more advantageous and profitable, than individual investments devoted to the same object. If it is not more profitable, there can be no reason founded in state policy which will sanction its adoption. If it is more profitable, then it is made so by special privileges conferred by the government on some and denied to others; a principle which finds no sanction in the universal opinion of the people of this State, and is repugnant to the fundamental law that "all men have an equal right of acquiring, possessing and protecting property."

Is it alleged, that the manufacture of cotton goods is beyond the reach of individual means, skill and enterprize, under the existing laws? Our history furnishes a conclusive answer. In this commonwealth all the great branches of industry have steadily advanced with the increasing population. Being essentially an agricultural State, the art of farming has been cultivated, cherished and improved, until a Pennsylvania farmer is regarded throughout the Union as a high example of agricultural skill, and appreciated as a model of imitation.

Our commerce, internal and external, has increased with the prosperity of the country, which it has essentially promoted. And our merchants in the east and in the west, by whom it has been conducted, have established a fair reputation for good faith, energy and enterprize.

The mechanical arts have flourished and made us independent of the world, for all the demands of convenience and ornament.

But Pennsylvania is to a great extent a manufacturing State. This department of industry, has been pursued, improved and advanced by our citizens, not only to meet the wants and conveniences of the people of the State, but to supply other markets. They have without corporate aid surmounted all the difficulties attending upon a new experiment. That which was speculation in the beginning, they have by their perseverance and industry, reduced to certainty.

With these facts before us, it is hard to believe that the system which has achieved all these benefits is radically defective. The time has certainly not arrived, when our circumstances and condition demonstrate that this individual power for good, should be superseded, by transferring any or all of these great interests into the hands of corporations.

Is this proposed change sustained by the allegation that the great manufacturing establishments at Philadelphia, Pittsburg, and throughout the State, begun and conducted as they have been by individual means and skill, have failed in accomplishing the purposes for which they were erected—or that they are languishing for the want of corporate animation? The entire aspect of the State negatives the idea.

In the consideration of this bill the question naturally occurs: what peculiar claims upon the public have they who engage in manufacturing, which do not belong to those, whose means and skill are devoted to



other branches of industry? Why should the manufacturer be exempted from paying all his debts to the farmer, the merchant and the mechanic, while these remain liable for all their engagements to him? Many manufacturing establishments now directed profitably by individuals—many houses engaged in commercial transactions in the foreign commerce of the east, and the steamboat navigation in the west, employ means of individuals and partnerships equal to and far exceeding the sum required to establish a cotton factory.

Whenever an investment promises profit, the means in this fortunate country are not wanting. Large operations require large means. The man who embarks extensively in foreign or domestic trade, or in manufacturing or agricultural pursuits, necessarily requires a large capital. And as by our law he is made liable to pay all his debts, for which his whole estate is pledged, by what system of reasoning can the right of ten or twenty men be maintained, to associate for the same purpose, which employs his capital—to enjoy the same chances of success and profit with him, and yet be permitted by legislative favor to expose to risk only a part of their estate?

I can perceive no substantial reason why the same law should not govern aggregated, that governs individual wealth, or why either should be specially favored by legislative protection. If there were such a sufficient reason, it would prove that ordinary liabilities and ordinary remedies are adapted to men in moderate circumstances, engaged in moderate business; but that where individual or combined wealth chooses to seek employment in more expanded business, its fortunate possessors may justly claim privileges to which other men have no right.

In thus discussing the policy indicated by this bill, my object is not in the remotest degree to question the rights of those who have large means. Wealth and

its concomitant advantages are theirs. They have a common right to the protection of the laws, but they have no better right than the humblest citizen.

The unequal distribution of property results from causes that are placed beyond the reach of legislative control. That government may make this inequality to a certain extent permanent, we are taught by the history of other nations. But if there be truth in the principles upon which our government is based, then we are bound by respect for its founders and love for our institutions, to guard with watchful anxiety against granting exclusive privileges and disturbing the harmony of our system.

After a careful and patient examination of the bill, I feel it a duty of paramount obligation to return it to the Senate, where it originated, with these my objections.

FRS. R. SHUNK.

Executive Chamber, March 9th, 1846.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Gentlemen:—

**I MAKE THE FOLLOWING NOMINATIONS, VIZ:**

George Smyser, to be an associate judge of the court of common pleas of Adams county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which he was commissioned.

Jesse Sharp, to be an associate judge of the court of common pleas of Chester county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which he was commissioned.

Charles Evans and Christian Meyers, to be associate judges of the court of common pleas of Clarion county,

to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which they were commissioned.

James T. Leonard, to be an associate judge of the court of common pleas of Clearfield county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which James Ferguson was commissioned.

Miron Hutchinson, to be an associate judge of the court of common pleas of Erie county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which he was commissioned.

John Stewart, to be an associate judge of the court of common pleas of Huntingdon county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which Joseph Adams was commissioned.

Nelson Richmond, to be an associate judge of the court of common pleas of M'Kean county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which Solomon Sartwell was commissioned.

Morris Longstreth, to be an associate judge of the court of common pleas of Montgomery county, to fill the vacancy which will occur on the 15th inst., by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, March 10, 1846.

To the Senate Vetoing "An Act to Authorize Henry Etter, of York County, to Erect a Dam across the Susquehanna from the York Shore to the Hill Island, in Dauphin County, and for Other Purposes."

Gentlemen:—

**T**HE BILL TO AUTHORIZE HENRY ETTER, OF York county, to erect a dam from the York shore to the Hill Island, in Dauphin county, and for other purposes, has been presented to me for approval. It authorizes Henry Etter, his heirs and assigns, to construct the dam indicated in the title; and confers on him and them the exclusive right of drawing off the water of the Susquehanna river at that place, and of constructing such races, sluices, canals, and waste wiers, for milling purposes or otherwise, as they may deem necessary, and of using, leasing or selling the right to use the same, so that the main channel of the river shall not be injured or obstructed, they paying all damages to private property caused by the erection of their works. Authority is also given to them to sell, lease, mortgage or pledge the said improvements, or privileges, or any part thereof, for the construction, improvement or benefit of the same, or otherwise.

The said Henry Etter, his heirs and assigns, are authorized to petition the Court of common pleas of the proper county, for the appointment of seven men to estimate the value of any stone, timber, gravel or other material, or of any land which may be needed for the purposes of the said work, whose valuation being confirmed by the court shall be final; and when the said seven men shall have fixed a valuation upon such materials and land, the said Henry Etter, his heirs and assigns, upon payment into court of the amount of the valuation, may proceed in the occupation thereof, and in the execution of the work, notwithstanding exceptions be filed to the report; subject, however, to the



payment of so much only as the final action of the court shall assess, and subject to the lien of such claims as shall be assessed.

From this review of the provisions of the bill, its object manifestly appears. It is to authorize Henry Etter, his heirs and assigns, not only to construct a dam in the Susquehanna river, but also to take from the adjoining owners such materials, and occupy such of their land as he or they may require, for the construction and use of their works, upon paying the valuation of the same.

The purpose of the bill is expressed to be, to use the water power that may be created for milling purposes or otherwise. There is no public object to be accomplished. It is simply to appropriate a part of the waters of a public stream to private use. To accomplish this purpose, it would seem from the provisions of the bill, that the parties should have land, and the command of materials which belong to other citizens, and instead of adopting the ordinary means to which other builders may have to resort, for acquiring that which they may want, this bill confers upon them the authority to take the property of their neighbors without their consent, subject to the payment of the valuation of seven men, to be appointed by the court.

The right of property is guarded with no ordinary care by the constitution. That which a man has acquired lawfully, is his own, and however convenient or necessary his possessions may be to advance the interests of his neighbor, he cannot be divested of them without his consent.

It is true that every man holds his property subject to the paramount claim of the public; but even the enforcement of this claim is cautiously guarded by the constitution, which provides, that "no man's property shall be taken, or applied to public use, without the consent of his representatives, and without just com-

pensation being made; and the Legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual, to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken."

Thus, a careful limitation is put upon the power of the Legislature. The right to take private property for private use is entirely excluded; and the power is strictly confined to cases where the private property is required for public use.

The fact, that Henry Etter, his heirs and assigns, contemplate the erection of a dam and mill on a public stream, cannot give them a better right to apply the private property of others to their use, than if they intended to erect their works at any other point. The object is not to improve the navigation of the Susquehanna river. There even seems to be danger apprehended, that they may injure it; and hence the bill provides that they shall not in any wise injure or obstruct the navigation of the main channel of the river.

As the whole scope of the bill evidently is, to provide for the construction of a private work, the constitution, in my opinion, interposes an insurmountable objection to the authority which it contains—to take private property without the consent of the owner.

With these objections, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, March 12, 1846.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, March 18, 1846.

Gentlemen:—

**I** MAKE THE FOLLOWING NOMINATIONS, VIZ:

John Murray, to be an associate judge of the court of common pleas of Cambria county, to fill the vacancy which will occur on the 30th inst., by the expiration of the term for which he was commissioned.

Thomas Taggart and Solomon Bastress, to be associate judges of the court of common pleas of Lycoming county, to fill the vacancies which will occur on the 27th inst., by the expiration of the term for which Thomas Taggart and John Thomas were commissioned.

George Chorpenning and John M'Carty, to be associate judges of the court of common pleas of Somerset county, to fill the vacancies which will occur on the 27th inst., by the expiration of the term for which they were commissioned.

Gilman Merrill, to be an associate judge of the court of common pleas of Warren county, to fill the vacancy which will occur on the 27th inst., by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating William High to be an  
Associate Judge of the Court of Common Pleas  
for Berks County.

Gentlemen:—

**I** NOMINATE WILLIAM HIGH, FOR ASSOCIATE  
judge of the court of common pleas of Berks  
county, to fill the vacancy which will occur on the

27th inst., by the expiration of the term for which Mathias S. Richard was commissioned.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, March 24, 1846.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, March 26, 1846.

Gentlemen:—

I NOMINATE THOMAS HASTINGS FOR ASSOCIATE judge of the court of common pleas of Jefferson county, to fill the vacancy which will occur on the 27th inst., by the expiration of the term for which James Winslow was commissioned.

I also nominate George Hammond for associate judge of the court of common pleas of York county, to fill the vacancy which will occur on the 5th day of April next, by the expiration of the term for which George Dare was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating Abraham K. Wright to be an Associate Judge of the Court of Common Pleas for Clearfield County.

Gentlemen:—

I NOMINATE ABRAHAM K. WRIGHT, FOR ASSOCIATE judge of the court of common pleas of Clearfield county, to fill the vacancy which occurred on the 27th of March, by the expiration of the term for which John Patton was commissioned.

FRS. R. SHUNK.

Executive Chamber, April 1, 1846.



To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Gentlemen:—

**I** NOMINATE JOHN KOONS, TO BE AN ASSOCIATE judge of the court of common pleas of Luzerne county, to fill the vacancy which occurred on the 15th March, by the expiration of the term for which William C. Reynolds was commissioned.

I nominate John Huston, to be an associate judge of the court of common pleas of Fayette county, to fill the vacancy which will occur on the 21st instant, by the expiration of the term for which Eli Abrams was commissioned.

I nominate George Boal, to be an associate judge of the court of common pleas of Centre county, to fill the vacancy which will occur on the 22d instant, by the expiration of the term for which William Smyth was commissioned.

FRS. R. SHUNK.

Executive Chamber, April 14, 1846.

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To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:—

**A**S YOUR SESSION IS ABOUT TO TERMINATE, and effective provision has not yet been made to meet the public engagements, I am moved by an imperative sense of duty, to re-call your attention, at this late period, to the pressing necessities of the commonwealth.

From a careful estimate, made at the commencement of the present session, and communicated in my annual message, it was apparent that "the assessment of the year 1846, on real and personal estates, and the reve-

nues of the year proper, derivable from all other sources, taken together, would be insufficient to meet the demands on the Treasury, for the same period, by the sum of \$116,296 09; and that in supplying the deficiency, the balance in the Treasury on the 1st of December, 1845, will have been reduced to \$88,590."

Nothing has since transpired to warrant the belief that this estimate is in any material respect imperfect. But the injury done to the public works by the recent floods, and the consequent delays in opening them for transportation, have involved a loss to the State of about \$250,000, that is to say: the extraordinary repairs which have thus become necessary, will cost more than \$100,000; and the tolls lost during the progress of the repairs, are estimated at \$150,000 more.

These facts are so conclusive, that they cannot be strengthened or enforced by argument. If additional revenues are not provided, the interest cannot possibly be paid upon the public debt; and the faith and honor of our ancient commonwealth must be once more violated.

For one, I am not content to rest under the grave responsibilities which must attend upon inaction in a crisis like this; and feeling that it rests with the General Assembly at this time, either to place the public credit beyond the reach of all uncertainty and doubt, or to inflict upon it irremediable wrong, I cannot hesitate in renewing, with due respect, this solemn appeal to their wisdom and patriotism, to provide for the public wants before the session closes.

FRS. R. SHUNK.

Executive Chamber, April 21, 1846.

To the Senate Vetoing "A Further Supplement to an Act Entitled 'An Act to Authorize the Governor to Incorporate a Company to Make a Lock Navigation on the River Schuylkill.' "

Gentlemen:—

THE BILL ENTITLED "A FURTHER SUPPLEMENT to an act, entitled 'An Act to authorize the Governor to incorporate a company to make a lock navigation on the river Schuylkill,' passed eighth March, eighteen hundred and fifteen," has been presented for my signature.

This bill authorizes the Schuylkill navigation company to transport and carry coal and other merchandize. It constitutes them in the broadest and fullest terms, a transporting company, to all intents and purposes, not only upon their own canal and navigation, but wherever they may choose to engage in the business, either on other canals, railroads and rivers, or on the high seas. The grant therefore involves in its fullest extent, the policy of incorporating transporting companies on our canals, railroads, rivers and the ocean.

The Schuylkill navigation company was incorporated on the eighth March, eighteen hundred and fifteen, and obtained by the charter the control of an important and valuable highway of nature—the river Schuylkill, and all the water power to be created by their dams and other works.

Special care was taken by subsequent legislation to provide that this important stream, improved in its navigation by the works of the company, should be reserved for public use.

By the supplement of the first of February, one thousand eight hundred and twenty-one, it is provided, that nothing contained in the act of incorporation, or in the supplement, shall be deemed to authorize the company to purchase lands containing coal, for the

purpose of entering into the coal trade; or to engage directly or indirectly, in the transportation of merchandize, lumber, coal, grain, flour or any other article, or to create any monopoly of such trade or transportation.

By this act, the terms and conditions of the charter, upon this subject, was distinctly set out, and the company was fully informed, that they did not contain directly or indirectly transporting powers. With this knowledge the work was constructed.

To enable the company, at all times, to furnish an adequate supply of boats to persons engaged in the business of transportation upon the canal, they were authorized, by the act of the fourteenth of February, eighteen hundred and forty-five, to build or procure to be built, and to own boats for the transportation of freight upon their navigation, and to sell or rent such boats to individuals. Authority was likewise given to the company to build or procure to be built, and to own cars for the transportation of freight upon railroads to and from the said navigation, and to sell or rent such cars to individuals. To this bill, however, an important proviso is annexed, preserving the integrity of the previous enactment, "that neither upon the railroads, or upon their navigation, shall the said company become themselves transporters."

This supplement, therefore, re-asserted the principle, that the business of transportation naturally and rightfully belongs to individuals.

The bill before me departs from the prudent reserve of former acts, and vests in the corporation the power which, up to this time, has been so carefully withheld. A great principle is thus involved in its passage, which affects not only the established policy of the state, but the essential interests of a large, laborious and important class of its citizens.

In a message which I had the honor of transmitting



to the House of Representatives, on the twelfth of April, one thousand eight hundred and forty-five, when returning the bill to incorporate the North Branch railroad and coal company, I expressed my convictions on the subject of extending the privileges of corporations to departments of industry like this. I then said, that "universal experience and observation have proved that all branches of business, within the reach of individual enterprise and responsibility, are more successfully prosecuted by individuals than by corporations."

"The constitution secures to all men the equal right of acquiring, possessing, and protecting property. The claim to disturb the harmony of our system, by granting to some exclusive privileges, founds itself on the assumption that the public interest requires something to be done to which individuals are unequal, and that privileges, which are not enjoyed by the rest of the people, must be conferred on some to secure a public advantage."

Subsequent reflection has confirmed my convictions on this subject. The power and influence of corporate wealth are felt in this State to an alarming extent, and have already affected to engross too much of the business which, under equal and just institutions, belongs most properly to the people. We should not go further, without the fullest proof that our legislation is called for by paramount considerations of the public good.

No such proof is before me. The successful prosecution, by individuals, of the business of transportation upon the Schuylkill canal, prior to the enlargement of the work which is now in progress, would demonstrate on the contrary, that when the enlargement shall have been completed, the reasonable expectations of the company, and the demands of the public, may be met by the action of individual transporters; and that the full capacity of the improved navigation will

be developed by the intelligence, industry and energy of the people, without the extraordinary exercise of legislative power, of giving to some privileges which are denied to others.

The river Schuylkill was an highway appropriated by Him who made this earth, to the use of the public. It has been given for special reasons, and for wise purposes, to an association of individuals, with corporate privileges, for the express and exclusive object of improving its navigation. The right of the people to use it, paying for the improved facilities provided by the company, has been reserved,—a right which, in my apprehension, cannot be taken away without manifest injustice.

If the argument that the company can exercise transporting powers more beneficially; in other words, can make more money by it than individuals, were even true, which cannot be admitted, if there is truth in experience, the grant would be inequitable and unjust. The assumption that rights belonging to one man, or set of men, may be given to others by legislative favors, because the latter can use them more beneficially for themselves, and make more money out of them, is so monstrous as to shock every enlightened apprehension of human rights and free government.

The Navigation company have the right to perfect their improvement, and to demand and receive adequate toll for the use of it. The public have a right to use it, paying the legal toll. These rights are mutual and do not conflict with each other. The same contract that secures the chartered privileges of the company, secures the rights of the navigators. An attempt to add to the rights of the latter, would be resisted by the company, and pronounced a violation of the contract, and they cannot complain if the reserved rights of the people are scrupulously maintained.

With these objections, I return the bill to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 21, 1846.

### Proclamation of the Mexican War.

Pennsylvania ss:

[Signed] Frs. R. Shunk.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By FRANCIS R. SHUNK, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas, the President of the United States, in his Proclamation of the 13th instant, has announced that by the acts of the Republic of Mexico, a state of war exists between that Government and the United States.

And whereas, It is our first to acknowledge our dependence upon the Great Ruler of the Universe:—I do therefore, invoke the good people of the Commonwealth, by their religion and their patriotism, to submit as freemen should, to this dispensation of Providence, and humbly ask of Him, who alone can give counsel and strength, to sustain us in the last resort of injured Nations.

And whereas, The President has been authorized by Congress, to call for and accept the services of fifty thousand volunteer soldiers, to protect and maintain the honor and security of the Union. And whereas, All the force that may be required promptly and efficiently to conduct the War, and bring it to a speedy and

successful termination, should be in readiness to meet every contingency that may occur in its progress.

And whereas, The Union of the States binds together the separate Sovereignities, and secures one common feeling and interest, in which the people of Pennsylvania largely participate.

The Officers and Soldiers of this Commonwealth will, therefore, with that alacrity and zeal which animate Freemen, and for which they are distinguished, hold themselves in readiness promptly to meet and repel the enemies of the Republic, and to preserve the rights and honor, and secure the perpetuity of the Union.

All Persons who have charge of public arms, and other munitions of war, are reminded by our existing relations, that it is their imperative duty immediately to prepare them for the Public Service.

And Whereas, The power of the Union is made effective for protection and defence, in all emergencies, by the harmony and energy of the people of each state: Therefore, All the citizens of the Commonwealth are exhorted to be united, firm and decided "in preserving order, and promoting concord, in maintaining the efficiency of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, just and honorable peace."

Given under my hand and the Great Seal of the Commonwealth, at Harrisburg, this sixteenth day of May, in the year of our Lord one thousand eight hundred and forty-six, and of the Commonwealth the seventieth.

By the Governor.

J. Miller,

Secretary of the Commonwealth.



To the President of the United States with a Report upon the Recruitment of Pennsylvania's Quota for the Army in the War with Mexico.

Head-Quarters, Harrisburg, Pa., July 15, 1846.

Sir:

**I**MMEDIATELY UPON THE RECEIPT OF THE letter of the Secretary of War, of the 19th to muster in the service of the United States, six regiments of Volunteer Infantry, I gave directions to the Adjutant General to adopt effective measures to secure a prompt compliance. I have now the honor to inform you that I have received the report of that officer, which is herewith transmitted, and from which it appears that ninety companies, each containing the full complement of officers and men, and most of them an excess, regularly organized agreeably to the regulations adopted, and making an aggregate of seven thousand four hundred and seventy-five freemen of Pennsylvania, have voluntarily enrolled their names and tendered their services to fight the battles of the country. In addition, the 1st and 2d battalions, commanded by Col. James Beatty, of Fayette county, and attached to the 2d brigade 13th division, numbering one thousand officers and men, have tendered their services, but their muster rolls have not been received.\* It is also proper to refer to the offer of Col. Wynkoop's regiment of volunteers, of Schuylkill county, made to you at a very early period, and to numerous other offers of regiments, battalions and companies which could not be received, because the companies did not contain the full number of men required by the regulations, or because of other informalities, which I regret prevent me from reporting them as being ready to be mustered into the service. The officers and men of

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\*See note on page 111.

these corps have manifested the strongest disposition to enter the service, and should they be required by any emergency, I have no doubt they will promptly comply with the regulations.

Having thus reported to you the organization of the companies, and their readiness to be mustered into the services of the U. S., I shall await your further orders in regard to them.

The Adjutant General limited the time for receiving offers to the 11th July instant. As the formation of the companies depended upon the voluntary action of the citizens, in every part of the Commonwealth, it was impossible to make any order, by which the exact number required, and no more, should be tendered. This accounts for the fact that more companies have been organized and volunteered their services, than your request contemplated.

Should the services of all those who have enrolled themselves, and who are ready to be mustered into the service, not be required, it will be an unpleasant duty to make a selection as all are desirous of the distinction and honor of participating in the patriotic service of the country. Your direction in the premises will govern my action in relation thereto.

It is earnestly hoped that in case these troops are required to be mustered into the service, a reasonable time will be allowed for the organization of the regiments, and for their discipline, before they shall be ordered to march. In concluding this report, I cannot refrain from expressing the gratification I derive from the patriotism, and ardor of the citizen soldiers of my native State, who, remote from the scene of action, have responded to the country's call with so much promptitude.

The superiority of our republican system over all others, is thus strikingly illustrated. Here we require no large standing armies to maintain a balance of

power, and keep the people in subjection. Every man is a part of the government, and realizes the interest he has in it. He is therefore ready whenever the country or her institutions are invaded or treated with injustice, to stand out in their defence. This not only protects us from the dangers incident to the maintenance of large bodies of regular troops, but saves us from the payment of an enormous and onerous expense. In my judgment, some substantial recognition of their patriotic action is due by the general government to the citizens who have enrolled themselves in the present emergency, and who are now spending their time and money in discipline and preparation for the public service. That suitable provision should be made to remunerate those who have complied with the request of your Excellency, whether they are called into service or not, appears to me to be not only the duty of the government as an act of justice, but is also dictated by the soundest principles of public policy.

With the highest respect, I am yours, &c.,

FRS. R. SHUNK.

To his Excellency James K. Polk, President of the U. S.

| Names of Companies.                 | Captains.                | 1st Lieutenants.         | 2d Lieutenants.        | Whole number. | Location.     |
|-------------------------------------|--------------------------|--------------------------|------------------------|---------------|---------------|
| 1. Patterson Guards, .....          | Wm. A. Stokes, .....     | R. H. Woolworth, .....   | J. Schoenleber, .....  | 77            | Philadelphia. |
| 2. Steuben Fusiliers, .....         | Arnold Seyberg, .....    | Chas. Angroth, .....     | Robt. Michael, .....   | 78            | Philadelphia. |
| 3. Independent Guards, .....        | Edwin Chandler, .....    | S. W. Taylor, .....      | G. M. Gee, .....       | 77            | Philadelphia. |
| 4. State Fencibles, .....           | S. B. Kingston, .....    | John Middleton, .....    | R. J. Parke, .....     | 78            | Philadelphia. |
| 5. State Fencibles, 2d Com., .....  | James Page, .....        | F. E. Patterson, .....   | W. Robertson, .....    | 77            | Philadelphia. |
| 6. State Fencibles, 2d Com., .....  | Joseph Murray, .....     | Anthony Tully, .....     | J. A. Shutt, .....     | 77            | Philadelphia. |
| 7. Washington Blues, .....          | Wm. Patterson, .....     | T. M. Pierce, .....      | D. Vincent, .....      | 77            | Philadelphia. |
| 8. City Guards, .....               | Joseph Hill, .....       | Wm. G. Smith, .....      | Casp. M. Berry, .....  | 88            | Philadelphia. |
| 9. Lafayette Light Guards, .....    | John K. Murphy, .....    | Edwin Ward, .....        | Joseph Sine, .....     | 82            | Philadelphia. |
| 10. National Artillery, .....       | Wm. Dixon, .....         | Nathaniel Holland, ..... | M. Sweeney, .....      | 79            | Philadelphia. |
| 11. Phil'a Repeal Volunteers, ..... | Wm. F. Small, .....      | Isaiah Pugh, .....       | E. F. Duffield, .....  | 77            | Philadelphia. |
| 12. Monroe Guards, .....            | John F. Peckell, .....   | Wm. A. Thorpe, .....     | Jacob Glaue, .....     | 81            | Philadelphia. |
| 13. Frankford Artillery, .....      | Peter Fritz, .....       | S. T. Bruce, .....       | S. W. Palmer, .....    | 85            | Philadelphia. |
| 14. National Grays, .....           | R. K. Scott, .....       | Jos. K. Miller, .....    | S. C. Winslow, .....   | 84            | Philadelphia. |
| 15. Cadwallader Grays, .....        | R. M. Lee, .....         | Malon Higs, .....        | R. G. Tomlinson, ..... | 85            | Philadelphia. |
| 16. Union Fencibles, .....          | John Bennett, .....      | N. H. Graham, .....      | James Hanna, .....     | 84            | Philadelphia. |
| 17. Phil. Light Guards, .....       | N. H. Graham, .....      | S. B. H. Vance, .....    | James York, .....      | 82            | Philadelphia. |
| 18. Phil. Grays, .....              | Geo. Cadwallader, .....  | Geo. McCulloh, .....     | J. C. Kritchman, ..... | 83            | Philadelphia. |
| 19. Harrison Blues, .....           | F. W. Bender, .....      | M. J. Williams, .....    | P. W. Pomroy, .....    | 80            | Philadelphia. |
| 20. Washington Lt. Infantry, .....  | Amable J. Brazier, ..... | John Marlow, .....       | Terrence Riley, .....  | 78            | Philadelphia. |
| 21. Irish Volunteers, .....         | Rush Van Dyke, .....     | Anthony Vagner, .....    | Wm. Bryan, .....       | 82            | Philadelphia. |
| 22. Montgomery Guards, .....        | John Reiss, .....        | Mont. P. Young, .....    | P. Caragan, .....      | 90            | Philadelphia. |
| 23. Washn. Nat. Guards, .....       | T. G. Morehead, .....    | M. Kennedy, .....        | R. Beckenback, .....   | 79            | Philadelphia. |
| 24. Jefferson Guards, .....         | Robert Tyler, .....      | Jacob Lawson, .....      | Wm. H. Cox, .....      | 84            | Philadelphia. |
| 25. Tyler Guards, .....             | Frederick Fritz, .....   | H. L. Hagner, .....      | David Hanley, .....    | 78            | Philadelphia. |
| 26. Junior Artilleries, .....       | John D. Miles, .....     | A. Larentree, .....      | Wm. McCoy, .....       | 79            | Philadelphia. |
| 27. Germantown Blues, .....         | Jacob Hubell, .....      | Jacob H. Battis, .....   | Jeremiah Hanly, .....  | 77            | Philadelphia. |
| 28. Jackson Artillery, .....        | Michael McCoy, .....     | Wm. Dougherty, .....     | J. J. Morrison, .....  | 86            | Philadelphia. |
| 29. Mechanic Rifle, .....           | Joseph Morrison, .....   | John G. Hills, .....     |                        | 87            | Bucks county. |
| 30. Montgomery Guards, .....        |                          |                          |                        | 77            |               |
| 31. Union Guards, .....             |                          |                          |                        |               |               |



| Names of Companies.                 | Captains.               | 1st Lieutenants.        | 2d Lieutenants.        | Whole number. | Location.              |
|-------------------------------------|-------------------------|-------------------------|------------------------|---------------|------------------------|
| 32. Doylestown Grays, .....         | Chas. H. Mann, .....    | John S. Bryan, .....    | John Pidcock, .....    | 80            | Bucks county.          |
| 33. National Grays, .....           | J. K. Zellin, .....     | C. H. Clayton, .....    | J. G. Denister, .....  | 77            | Delaware county.       |
| 34. National Guards, .....          | Thomas Sloan, .....     | John G. Mills, .....    | C. R. McDonnell, ..... | 77            | Chester county.        |
| 35. Jackson Riflemen, .....         | Fred'k Hambright, ..... | Michael Tressler, ..... | S. E. Gundaker, .....  | 82            | Lancaster county.      |
| 36. Lancaster Fencibles, .....      | J. H. Duckman, .....    | George Ford, .....      | D. W. Patterson, ..... | 77            | Lancaster county.      |
| 37. Gettysburg Guards, .....        | D. M. Snyder, .....     | Aaron De Goff, .....    | Isaac Elliott, .....   | 77            | Adams county.          |
| 38. York Penna. Rifles, .....       | George Hay, .....       | D. A. Stillinger, ..... | .....                  | 80            | York county.           |
| 39. Washington Artillerists, .....  | R. Bruce, .....         | J. C. Cochran, .....    | .....                  | 78            | Berks county.          |
| 40. Reading Artillery, .....        | Tho. S. Loesser, .....  | Wm. Wunder, .....       | Herman Baird, .....    | 77            | Berks county.          |
| 41. Washington Grays, .....         | H. A. Muhlenberg, ..... | Levi Heister, .....     | H. L. Miller, .....    | 87            | Berks county.          |
| 42. Harrisburg Rifle, .....         | C. Seller, .....        | G. W. Kinzer, .....     | E. A. Lesley, .....    | 100           | Harrisburg.            |
| 43. Washington Rifle, .....         | John Weldman, .....     | James W. Eber, .....    | C. Zimmerman, .....    | 78            | Lebanon.               |
| 44. Dauphin Guard, .....            | Wm. Watson, .....       | David Poel, .....       | D. A. Kepner, .....    | 97            | Harrisburg.            |
| 45. National Guard, .....           | Joel Ritter, .....      | H. A. M. Filbert, ..... | C. H. Richards, .....  | 77            | Reading.               |
| 46. Hibernia Jackson Guards, .....  | C. F. Jackson, .....    | I. S. McMichen, .....   | B. Reilly, .....       | 86            | Schuylkill county.     |
| 47. Washington Artillery, .....     | James Nagle, .....      | Simon S. Nagle, .....   | J. K. Fernsler, .....  | 98            | Schuylkill county.     |
| 48. Swatara Lt. Infantry, .....     | Wm. Rewalt, .....       | .....                   | D. H. Fackler, .....   | 78            | Dauphin county.        |
| 49. National Lt. Infantry, .....    | J. H. Campbell, .....   | Wm. Pollock, .....      | James Rossell, .....   | 112           | Schuylkill county.     |
| 50. Stockton Artillerists, .....    | J. H. Siewers, .....    | C. H. Frick, .....      | W. D. Moore, .....     | 77            | Carbon county.         |
| 51. Columbia Guards, .....          | John S. Wilson, .....   | Martin Lawn, .....      | E. B. Collings, .....  | 91            | Columbia county.       |
| 52. Wyoming Artillerists, .....     | Edward L. Dana, .....   | Christian Goeltz, ..... | Jacob Walder, .....    | 78            | Luzerne county.        |
| 53. Wyoming Yagers, .....           | John Richard, .....     | .....                   | .....                  | 78            | Luzerne county.        |
| 54. Northumberland Infantry, .....  | David Taggart, .....    | .....                   | .....                  | 77            | Northumberland county. |
| 55. Jackson Infantry, .....         | John Cummings, .....    | .....                   | .....                  | 77            | Union county.          |
| 56. Washington Guards, .....        | Michl. Creswell, .....  | Wm. Machlin, .....      | A. Holliday, .....     | 77            | Mifflin county.        |
| 57. Warrior's Mark Fencibles, ..... | James Bell, .....       | James Thompson, .....   | James A. Gano, .....   | 85            | Huntingdon county.     |
| 58. Lewistown Artillerists, .....   | John Hamilton, .....    | German Jacobs, .....    | Daniel Wise, .....     | 77            | Mifflin county.        |
| 59. Centre Guards, .....            | Andrew Gregg, .....     | J. I. Gregg, .....      | D. H. Smith, .....     | 88            | Centre county.         |
| 60. Williamsburg Blues, .....       | Thos. R. Fluke, .....   | Jas. Kincaid, .....     | Alex. Mckaney, .....   | 79            | Blair county.          |

|                                   |                         |                         |                       |     |                      |
|-----------------------------------|-------------------------|-------------------------|-----------------------|-----|----------------------|
| 61. Lewistown Guards, .....       | J. A. Cunningham, ..... | G. W. Gibson, .....     | Jos. Sourbeek, .....  | 78  | Mifflin county.      |
| 62. St. Thomas Artillery, ....    | T. McAlister, .....     | John Bricker, .....     | W. C. McDowell, ..... | 88  | Franklin county.     |
| 63. Carlisle Lt. Infantry, ....   | Samuel Crop, .....      | Wm. Parks, .....        | H. J. Keller, .....   | 82  | Cumberland county.   |
| 64. Landisburg Guards, ....       | H. K. Wilson, .....     | Wm. Power, .....        | Sol De Walt, .....    | 90  | Perry county.        |
| 65. Bloomfield Lt. Infantry, ..   | T. A. Smith, .....      | T. M. Graham, .....     | Wm. H. Oles, .....    | 83  | Franklin county.     |
| 66. Mercersburg Artillerists, ..  | Jas. McDonnell, .....   | J. J. Chambers, .....   | John McCane, .....    | 77  | Franklin county.     |
| 67. Cambria Guards, .....         | James Murray, .....     | Robert Davis, .....     | C. M' Dermott, .....  | 78  | Cambria county.      |
| 68. American Highlanders, ...     | J. W. Geary, .....      | Samuel Black, .....     | E. M. Luckett, .....  | 96  | Cambria county.      |
| 69. Conemaugh Guards, .....       | S. M. Taylor, .....     | L. B. Smith, .....      | R. B. Gagley, .....   | 82  | Bedford county.      |
| 70. Schellsburg Artillerists, ... | John Linton, .....      | R. W. Smith, .....      | R. Bingham, .....     | 87  | Cambria county.      |
| 71. Franklin Blues, .....         | Robert Fry, .....       | J. C. Statler, .....    | Jos. S. Reed, .....   | 77  | Bedford county.      |
| 72. Union Volunteers, .....       | Hugh Irvin, .....       | G. R. Haymaker, .....   | J. M. Rugh, .....     | 86  | Westmoreland county. |
| 73. Younglosheny Blues, .....     | S. S. Austin, .....     | Stewart Speers, .....   | John Knight, .....    | 107 | Fayette county.      |
| 74. Westmoreland Guards, ....     | Wm. Quail, .....        | Daniel Forrey, .....    | J. Kilpatrick, .....  | 91  | Fayette county.      |
| 75. Washington Patriots, ....     | Isaac F. Kendall, ..... | James Dawson, .....     | W. Murray, .....      | 82  | Westmoreland county. |
| 76. Sewickley Artillery, ....     | M. N. Dick, .....       | M. D. Campbell, .....   | James Hudson, .....   | 77  | Fayette county.      |
| 77. Fayette Riflemen, .....       | Geo. W. Hertzog, .....  | J. M. Pixler, .....     | J. L. Markle, .....   | 114 | Westmoreland county. |
| 78. Washington Co. Guards, ....   | John McAlister, .....   | Samuel Morton, .....    | Levi Zerry, .....     | 85  | Fayette county.      |
| 79. Jefferson Grays, .....        | Wm. S. Callahan, .....  | Michael Wolf, .....     | Jas. Murray, .....    | 115 | Washington county.   |
| 80. Waynesburg Blues, .....       | Bradley Mahanna, .....  | John T. Hook, .....     | R. Sutton, .....      | 77  | Washington county.   |
| 81. Centre Guards, .....          | John Vanatta, .....     | Wm. Churchhill, .....   | J. C. Fleniken, ..... | 77  | Green county.        |
| 82. Franklin Rangers, .....       | Neely Mahanna, .....    | James Garnier, .....    | Hiram Hook, .....     | 77  | Green county.        |
| 83. Pittsburg City Blues, ....    | Joseph O'Brien, .....   | Robert Cornell, .....   | .....                 | 77  | Pittsburg.           |
| 84. Irish Greens, .....           | John Herron, .....      | James Dignan, .....     | M. Connelly, .....    | 77  | Pittsburg.           |
| 85. Duquesne Grays, .....         | Alexander Hays, .....   | C. H. Poulson, .....    | Geo. Beal, .....      | 94  | Pittsburg.           |
| 86. Independent Blues, .....      | Samuel McKee, .....     | G. L. Drane, .....      | J. O. H. Denny, ..... | 119 | Pittsburg.           |
| 87. Birmingham Guards, ....       | Geo. S. Hays, .....     | Robert Duncan, .....    | D. Cunningham, .....  | 77  | Pittsburg.           |
| 88. Penna. Blues, .....           | James Galloway, .....   | J. S. Bonnett, .....    | W. S. Cuddy, .....    | 77  | Pittsburg.           |
| 89. Mercer Volunteers, .....      | .....                   | J. H. Williamson, ..... | D. Wadsworth, .....   | 78  | Mercer.              |

\*After the foregoing report was made to the President, the rolls of the following Companies, belonging to the 1st and 2d Battalions as above were received:

- 1st Com., officers' names not designated, numbering 172 men.  
 2d Com., Capt. Joseph Andrews; 1st Lt. Martin Becht; 2d Lt. James Hoke, numbering 133.  
 4th Com., Capt. Samuel Strickler; 1st Lt. John Vanosdal; 2d Lt. David Hutchison, numbering 111.  
 5th Com., Capt. Michael Culler, numbering 89.  
 7th Com., officers not designated, numbering 78.  
 8th Com., Capt. Zachariah Ball, numbering 94.  
 9th Com., Capt. Wm. Ball, numbering 117.  
 11th Com., Capt. Geo. Bower, numbering 105 men; making an aggregate 899 men.

## Proclamation of a Day of Thanksgiving—1846.

Pennsylvania ss:

[Signed] Frs. R. Shunk.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. FRANCIS R. SHUNK, Governor of the said Commonwealth.

## A PROCLAMATION.

Whereas, the public and grateful acknowledgement of the goodness of God—the confessions of our sins, and the supplication of his continued favor, is a duty, not more imposed by the obligations of religion, than sanctioned by the dictates of reason:

And Whereas, by the general observance of a day devoted to these sacred duties, we may hope to avert merited judgments, secure the blessings His goodness has promised and bind ourselves together as a community, in our allegiance to Him, who is rightful Sovereign:

Therefore in accordance with my own sense of propriety, and the solicitations of a large number of respectable citizens, I appoint and recommend Thursday, the 26th day of November next to be observed by the people of this Commonwealth, as a day of Thanksgiving to Almighty God, for his goodness, vouchsafed to us during the past year—in continuing to us the blessings of civil and religious liberty—in preserving us from the ravages of malignant disease—in loading us with the fruits of his bounty—in furnishing so abundantly the means of individual, domestic and social improvement and enjoyment; and in continuing among us the institutions and ordinances of our holy religion, in all their purifying and elevating influences;

and while thus with grateful hearts we thank him for his goodness, let us acknowledge our sins, invoke his forgiveness, and supplicate his continued favor to our beloved country. Let us humble ourselves before Him, that in his holy Providence we have been involved in war with a neighboring Republic. In our thanksgivings for the victories He has caused our arms to achieve, let us commend to his compassion the hearts that have been made desolate by the ravages of the sword; and earnestly pray that a peace, alike honorable to both nations may be restored; and that the whole family of man, united in the bonds of fraternal affection, may go forward in the cultivation of every peaceful and useful art and science, in the advancement of civil liberty, and the universal diffusion of a pure and undefiled religion, correcting whatever is wrong in the condition of human society, to the achievement of that high and holy destiny contemplated in the purpose of infinite benevolence.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-first day of October in the year of our Lord One thousand eight hundred and forty-six and of the Commonwealth the Seventy-first.  
By the Governor.

J Miller,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress—1846.

Pennsylvania ss:

[Signed] Frs. R. Shunk.



I N THE NAME AND BY THE AU-  
thority of the Commonwealth of  
Pennsylvania. FRANCIS R.  
SHUNK, Governor of the said Com-  
monwealth.

A PROCLAMATION.

Whereas in and by An Act of the General Assembly of this Commonwealth passed the second day of July, A. D. 1839, entitled "An act relating to the elections of this Commonwealth," it is made the duty of the Governor on the returns of the election of the Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons so returned as elected in the respective districts: And Whereas the returns of the General Election held on Tuesday the 13th day of October instant in and for the several districts for Members to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited Act whereby it appears that in the First district, composed of Southwark, Moyamensing, and Passyunk and Cedar ward and New Market ward of the city of Philadelphia, Lewis C. Levin has been duly elected. In the Second district, composed of the City of Philadelphia except Cedar Ward and New Market Ward, Joseph R. Ingersoll has been duly elected. In the Third district, composed of

the Northern Liberties and Spring Garden in the County of Philadelphia, Charles Brown has been duly elected. In the Fourth district, composed of Kensington, North and South Penn, Roxborough, Germantown, Bristol, Unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia and Kingsessing, in the County of Philadelphia, Charles J. Ingersoll has been duly elected. In the Fifth district, composed of the Counties of Delaware and Montgomery, John Freedley has been duly elected. In the Sixth district, composed of the Counties of Bucks and Lehigh, John W. Hornbeck has been duly elected. In the Seventh district, composed of the County of Chester, Abraham R. McIlvaine has been duly elected. In the Eighth district, composed of the County of Lancaster, John Strohm has been duly elected. In the Ninth district, composed of the County of Berks, William Strong has been duly elected. In the Tenth district, composed of the Counties of Northampton, Carbon, Monroe, Pike and Wayne, Richard Brodhead has been duly elected. In the Eleventh district, composed of the Counties of Luzerne, Columbia and Wyoming, Chester Butler has been duly elected. In the Twelfth district, composed of the Counties of Bradford, Susquehanna and Tioga, David Wilmot has been duly elected. In the Thirteenth district, composed of the Counties of Lycoming, Northumberland, Union and Clinton, James Pollock has been duly elected. In the Fourteenth district, composed of the Counties of Dauphin, Lebanon and Schuylkill, George N. Eckert has been duly elected. In the Fifteenth district, composed of the Counties of Adams and York, Henry Nes has been duly elected. In the Sixteenth district, composed of the Counties of Cumberland, Perry and Franklin, Jasper E. Brady has been duly elected. In the Seventeenth district, composed of the Counties of Centre, Huntingdon, Mifflin, Juniata and Blair, John Blanch-

ard has been duly elected. In the Eighteenth district, composed of the Counties of Greene, Fayette and Somerset, Andrew Stewart has been duly elected. In the Nineteenth district, composed of the Counties of Westmoreland, Bedford and Cambria, Job Mann has been duly elected. In the Twentieth district, composed of the Counties of Washington and Beaver, John Dickey has been duly elected. In the Twenty-first district, composed of the County of Allegheny, Moses Hampton has been duly elected. In the Twenty-second district, composed of the Counties of Venango, Mercer and Crawford, John Wilson Farrelly has been duly elected. In the Twenty-third district, composed of the Counties of Erie, Warren, McKean, Clarion, Potter, Elk and Jefferson, James Thompson has been duly elected. And in the Twenty-fourth district, composed of the Counties of Butler, Armstrong, Indiana and Clearfield, Alexander Irwin has been duly elected.

Now therefore I have issued this Proclamation hereby publishing and declaring that Lewis C. Levin, Joseph R. Ingersoll, Charles Brown, Charles J. Ingersoll, John Freedley, John W. Hornbeck, Abraham R. McIlvaine, John Strohm, William Strong, Richard Brodhead, Chester Butler, David Wilmot, James Pollock, George N. Eckert, Henry Nes, Jasper E. Brady, John Blanchard, Andrew Stewart, Job Mann, John Dickey, Moses Hampton, John Wilson Farrelly, James Thompson and Alexander Irvin have been returned as duly elected in their several districts before mentioned as representatives of the people of this State in the House of Representatives in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of State at Harrisburg, this Twenty-eighth day of October in the year of our Lord One thousand eight hundred and

forty-six, and of the Commonwealth the Seventy-first  
By the Governor.

J Miller,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1847.

Gentlemen:

THE LEGISLATURE HAS ASSEMBLED AT A time which is distinguished for the general health and prosperity of the people.

While we deplore the wants and wretchedness of numbers of our race, resulting principally from the influence of unjust governments, we are enabled by comparing our condition with theirs, to appreciate the inestimable value of our own free institutions, and are moved to unite our grateful hearts, in adoration and praise, for the wonderful goodness of our Heavenly Father, who has multiplied our civil and religious blessings, and has not only preserved us from the horrors of want, but has enabled us, out of our abundance, to feed the hungry, and has made us a great and a happy people.

Since the last adjournment of the General Assembly, the peace, which had so long subsisted between this nation and the other nations of the world, has been disturbed by the war between the United States and Mexico. The grave causes which have produced this rupture, are ably, and satisfactorily set forth in the late annual Message of the President to Congress. They show a dignified forbearance on the part of this Government, under multiplied wrongs and aggressions, and a laudable desire to preserve peace, while its blessings could be secured consistently with the national honor. A free people conscious that they ask nothing but what



is right, cannot submit to wrong, and however much they may deprecate the evils of war, their just rights must be maintained. Hence Congress, on the 13th of May, 1846, announced, that by the act of Mexico a state of war existed between that government and the United States, and for the purpose of prosecuting it to a speedy and successful termination, the President was authorized to employ the militia, naval and military forces of the United States, and to call for and accept the services of fifty thousand volunteers.

In pursuance of the authority derived from this act, the President, on the 19th of May, 1846, requested the Executive of this State, to cause to be enroled and held in readiness for muster into the service of the United States, six regiments of volunteer infantry, each to consist of ten companies, to serve for twelve months, or to the end of the war, unless sooner discharged.

In accordance with this request, general orders were issued on the 23d of May, 1846, announcing to the citizen soldiers that the offer of six regiments of volunteer infantry would be accepted, to be held in readiness for muster into the service of the United States. In pursuance of this announcement, the offers of ninety companies of volunteer infantry, sufficient to fill nine regiments, were received and transmitted on the 15th day of July, 1846, to the War Department. The patriotism and zeal which were so promptly and cheerfully manifested on this occasion, by the volunteers of Pennsylvania, give proof of their devotion to the service of the country, highly creditable to themselves, and honorable to the State.

The six regiments, thus called for, were not mustered into the service.

On the 16th of November, 1846, a request was made by the President for one regiment of volunteers from this State, to consist of ten companies, to be continued in service during the war with Mexico, unless sooner

discharged. This request was announced on the 18th of November, 1846, to the volunteers who had previously tendered their services, and the regiment was promptly filled, and mustered into the service of the United States, at Pittsburg, on the 15th day of December. Six of the companies composing the regiment were organized in Philadelphia, one in Pottsville, one in Wilkes-Barre, and two in Pittsburg.

On the 14th December, 1846, a request was made by the President for another regiment of volunteer infantry from this State, to serve during the war with Mexico, unless sooner discharged. This regiment was filled, even with more promptitude than the former, and ordered to rendezvous at Pittsburg, on the 5th inst. One of the companies composing this regiment was organized in Philadelphia, one in Reading, one in Mauch Chunk, one in Harrisburg, one in Danville, two in Cambria county, one in Westmoreland county, one in Fayette county, and one in Pittsburg.

The energy and the exalted patriotism which have thus been evinced by the citizen soldiers of Pennsylvania, are an admirable illustration of the workings of our free system, and of the strength of our government.

The officers and soldiers who have entered into the the service of the country, are independent freemen, in the vigor of youth and manhood, intelligent and energetic, animated with the love of liberty, and proud of the dignity of being citizens of the United States. Such are the volunteer soldiers of Pennsylvania who have filled two regiments, and are ready to furnish any additional number that may be required.

In referring to the manly zeal of the soldiers, allusion to the benevolence of the citizens who provided for their comfort on the march, and who became the guardians of those they left behind, and were dependent upon them, cannot be omitted. Those generous feelings, so

admirably expressed, in which woman mingled the fullness of her patriotism, and the charms of her influence, cast a halo around the volunteer when with lingering looks, at the loved objects of home, he commenced his wintry march for the seat of war, and gave him the assurance that the blessings of the soldier's friends—of the whole country, were upon him, and their protecting care around his family.

That compensation, in addition to the small allowance made by the laws of the United States, should be provided for these brave men, who have devoted themselves to the country, is most reasonable. I submit, respectfully, to the General Assembly, the propriety and justice of invoking Congress to appropriate, for their use, such portion of the public land as may be sufficient to furnish a competent freehold to each of the officers and soldiers who have, in compliance with the request of the President, volunteered to serve in the war with Mexico, and are mustered into the service of the United States. A better disposition could not, in my opinion, be made of a part of the public domain.

It is to be regretted that, as the contingency which has arisen was not foreseen, there was no provision made by the Legislature, for defraying the expenses of marching the volunteers to the place of rendezvous. The allowance made by the General Government, for this purpose, was little more than sufficient, with the most rigid economy, to pay the cost of transportation. These men were hurried from their homes, with little time for preparation, and when they arrived, and were mustered into the service, the small sum for defraying their traveling expenses, which was their only compensation up to that period, was nearly exhausted. I submit to the General Assembly, the propriety and justice of refunding to them, the expenses of the march to Pittsburg. The sacrifices they have made, and the spirit they have evinced, merits, in my opinion, this

small acknowledgment from the Representatives of the people.

It is proper to add, that, although the subject has been presented to the General Government, no provision has as yet been made to defray the expenses incurred by the volunteers, on preparing themselves for muster into the service, under the request of the President, of the 19th of May last. This subject, too, is worthy of the immediate consideration of the General Assembly.

A detailed report of the proceedings in this State, for organizing the troops to serve in the Mexican war, will be made as early as practicable by the Adjutant General, and submitted, as soon as it is received, to the General Assembly.

In connection with this subject, it is my duty to state, that, to the industry and ability of Adjutant General Bowman, and his Assistant, Colonel Petriken, I have been essentially indebted for the prompt, methodical and satisfactory arrangements, by means of which the duty that devolved upon me, in the organization of these troops, has been performed; and as existing laws make no provision, I respectfully submit, that suitable compensation for the services which have been rendered, should be promptly made to these officers.

The debt and finances of the Commonwealth, present one of the most interesting subjects that can engage the attention of the Legislature.

The following is an exhibit of the State debt on the 1st of December last, as appears from the report of the Auditor General:

|   |                 |
|---|-----------------|
| Total funded debt, .....                  | \$38,858,970 52 |
| Relief notes in circulation, .....        | 1,081,664 00    |
| Interest certificates, outstanding, ..... | 703,810 69      |
| Interest certificates, unclaimed, .....   | 4,433 11        |



|  |           |
|--|-----------|
| Interest on certificates, to 1st August, |           |
| 1845, when funded, .....                 | 44,423 21 |
| Domestic creditors, .....                | 96,275 47 |

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|                                     |                 |
|-------------------------------------|-----------------|
| Total public debt, on the 1st Dec., |                 |
| 1846, .....                         | \$40,789,577 00 |

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being \$196,816.22 less than it was on the 1st December, 1845. The payment of the interest on the funded debt had been suspended for two years and a half preceding the 1st of February, 1845, for which certificates were issued, which constitute a part of the existing debt. In consequence of the non-payment of the interest, the balance in the Treasury had accumulated, on the 1st of December, 1844, to the sum of \$663,851.88; and on the 1st day of February, 1845, the payment of the interest on the funded debt was resumed, and has been continued up to the present period, and the credit and honor of the State maintained. This is a source of high gratification to our citizens, and has tended greatly to restore our good old Commonwealth to the elevated and proud position she formerly occupied, and which, I trust, she is destined to occupy for all time to come.

While, however, we mingle our congratulations upon this comparatively prosperous state of affairs, it is proper that the true condition of our resources should be accurately and critically examined, and always kept in view, not only to guard by ample provisions against the possibility of another failure punctually to meet all the demands upon the public treasury, but to make provision for the commencement of a system for reducing the public debt.

It has been my constant endeavour, especially in the annual message of January last, and the special message of the 21st of April, following, to impress upon the representatives of the people, the necessity and im-

portance of this subject. In presenting it to the Legislature, at the last session, it became my duty to show that the taxes assessed on real and personal estate, together with all the other revenue that accrued within the fiscal year, ending on the 30th of November, 1845, were less than the expenditures of the year, by the sum of \$414,199.32, which deficit was supplied out of the balance in the Treasury on the 1st of December, 1844, and by a diminution of the outstanding taxes.

Thus:

|   |              |
|---|--------------|
| On the 1st of December, 1844, the balance   |              |
| in the Treasury was, .....                  | \$663,851 88 |
| And on the 1st of December, 1845, it was, . | 384,886 09   |

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|  |                |
|--|----------------|
| Showing a reduction of the balance       |                |
| in the Treasury, of .....                | \$278,965 79   |
| On the 1st December, 1844, the estimated |                |
| amount of available outstanding taxes    |                |
| was, .....                               | \$1,009,778 03 |
| And on the 1st December,                 |                |
| 1845, they were estimated                |                |
| at, .....                                | 874,544 50     |

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|                                  |            |
|----------------------------------|------------|
| Showing a diminution of the out- |            |
| standing taxes of, .....         | 135,233 53 |

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|  |              |
|--|--------------|
| And making an aggregate diminution of  |              |
| the balance in the Treasury, and out-  |              |
| standing taxes, during the year ending |              |
| 30th Nov., 1845, of, .....             | \$414,199 32 |

---

This statement demonstrates that the taxes, and other revenues assessed and accruing within the year, were less, by the above sum, than the demands upon the Treasury during the same period.

The financial operations of the year, ending on the

30th of November, 1846, also exhibits a like deficiency, but less in amount. Thus:

The balance in the Treasury on the 1st

December, 1845, was, ..... \$384,886 09

And the estimated amount of available  
taxes outstanding at the same period,

was, ..... 874,544 50

---

Making an aggregate amount of balance  
in the Treasury, and outstanding taxes,

on the 1st December, 1845, of ..... \$1,259,430 59

The balance in the Treasury on the 1st De-  
cember, 1846, was, ..... \$384,678 70

And the estimated amount  
of available outstanding  
taxes at the same period,

was, ..... 542,688 64

---

Making an aggregate of the balance in the  
Treasury, and outstanding taxes, on the

1st December, 1846, of, ..... 927,367 34

---

Showing a diminution of the balance in  
the Treasury, and outstanding taxes,  
during the fiscal year ending on the 30th

November, 1846, of, ..... \$332,063 25

---

It thus appears, that the taxes assessed, and the other revenues accruing within the fiscal year just ended, were insufficient to meet the demands upon the Treasury by the above sum.

It will be perceived that the balance in the Treasury on the 1st of December, 1846, was greater than was estimated in the last annual message, and that the amount of the outstanding taxes has been reduced below the estimate then made.

As it was apparent that these recurring deficiencies

would soon exhaust the balance in the Treasury, and all the arrearages of available outstanding taxes, I was impelled to urge upon the General Assembly, at their last session, with so much earnestness, the indispensable necessity of providing some additional revenue, to place the finances of the State upon a permanent basis. Near the close of the session, an act was passed, entitled "An act to provide for the reduction of the public debt," which embraces some additional objects of taxation, and contains provisions for enforcing, more effectually, the intention of the act of 1844. It was, however, passed at a period of the session when there was no time for deliberation, and contains some provision which in my estimation, ought to be modified. It seems to me that an attempt to tax book accounts, and moneys due on contracts, will only prove vexatious to the citizens and officers, without adding, substantially, to the revenue. As the act of 1846 has not yet had time to produce any practical results, no certain estimate can be made of the amount of additional revenue it will produce; but, it is believed, that this law, together with the increase of the value of property, since the last triennial assessment, will, if the present triennial assessment is fairly made, enlarge the revenue derivable from real and personal estate, to an amount equal to the deficiency that occurred in the accruing revenue of the last year.

The loss of tolls, and the additional expenditures upon the public works, occasioned by the extraordinary flood of last spring, is a subject which may be properly noted here. By reference to the report of the Canal Commissioners, it appears that they have estimated the loss of tolls occasioned by the delay in opening the navigation, at the sum of \$150,000, and that the cost of extraordinary repairs, required in consequence of injuries by the flood, was \$111,515; making the aggregate loss to the State, by this unusual casualty,



\$261,515. If this disaster had not occurred, the accruing revenue, exclusive of the balance in the Treasury, on the 1st of December, 1845, and the taxes then outstanding, would have been nearly equal to the demands upon the Treasury during the last fiscal year.

From the Canal Commissioners' reports it appears, that the receipts from canal and railroad tolls and charges for motive power, were—

|                          |                |
|--------------------------|----------------|
| For the year 1843, ..... | \$1,017,841 12 |
| For the year 1844, ..... | 1,167,603 42   |
| For the year 1845, ..... | 1,196,979 43   |
| For the year 1846, ..... | 1,295,494 76   |

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showing a gradual and steady increase, during the above period. Even last year, notwithstanding the delay in opening the navigation, they exceeded those of 1845, by the sum of \$98,515.33. There is good reason, therefore, to believe, that, if the public works shall continue to be conducted with the same degree of skill, industry and integrity, with which they have been managed for some years past, the receipts from them will continue to increase, until the business upon them reaches their full capacity.

Some apprehensions have been expressed, that the construction of the great Central Railroad, between Philadelphia and Pittsburg, may be the means of diminishing the income from the improvements of the State. In this I do not concur; on the contrary, I entertain the opinion, that the increased commerce, which it will invite between our great eastern and western emporiums, and the regions which connect with them, will not only add to the revenues of the Columbia railway, but will greatly increase the productiveness of all our public works. Such I believe has been the experience of New York, and such, I doubt not, will in a few years, be that of our own Commonwealth.

I transmit, herewith, a statement showing the actual

receipts and expenditures, for the last fiscal year, and also, an estimate of the same for the present year, made with much care, upon full consultation with the other officers of the Government. From this estimate it appears, that the receipts of the year, will exceed the expenditures, by the sum of \$194,441.11.

The balance in the Treasury, on the 1st instant, was only \$438,986.68. It is, therefore, altogether probable that it may become necessary to make some arrangement to anticipate a small portion of the revenue of the year, to meet the interest which will fall due on the 1st of February next. I recommend that some legal provision be promptly made for this purpose. This will not affect the financial calculations and estimated results of the year. I feel entire confidence that, taking into view the operations of the whole year, the results will sustain substantially the estimates that have been presented.

The sum of two hundred thousand dollars, which is now annually appropriated to the cancellation of the Relief issues, and which is included in the estimates, is discharging that amount of the public debt yearly, and is, in fact, an existing sinking fund.

If, therefore, the conclusion at which I have arrived, shall prove correct, that the taxes assessed under existing laws, on real and personal property, with the ordinary revenues, and an amount from the public improvements, equal to that received during the past year, will prove sufficient to pay the interest on the public debt, and other demands upon the Treasury, the annual increase of tolls upon the public works may be added to the present sinking fund of two hundred thousand dollars a year. From the experience of the three last preceding years, this increase may be fairly estimated, for some years to come, at one hundred thousand dollars per annum; and, if it be added annually to the existing fund for the cancellation of the Relief issues, they will

all be taken out of circulation in about three years, at which time the State will have a sinking fund of half a million of dollars, to commence the liquidation of her funded debt. The application of this fund, annually, with its accruing interest, to the purchase of five per cent. State stocks, at par, will, at the end of ten years, discharge \$6,288,929 of the public debt, and at the end of twenty years \$16,532,881, which will reduce the debt, including the cancellation of Relief issues, at the end of twenty-three years from this time, to the sum of \$23,175,032. The net income from the public works will then, it may be fairly presumed, be more than ample to pay the interest on the State debt, and the people may be entirely relieved from all taxation, for the payment of interest. In fact, there is reason to believe that the increased wealth of the State, and the accumulation of business on the public works, will, at a much earlier period, admit of important reductions in the taxes, without retarding the consummation of the foregoing plan for reducing the debt. Notwithstanding some may be disposed to view these suggestions as visionary, I have the most entire confidence in their practicability, provided the public works shall continue to be managed with integrity and skill, the tax laws fairly executed, and the government, in all its departments, honestly and faithfully administered.

In connection with this subject, I respectfully recommend to the General Assembly, the propriety and policy of proposing to the people an amendment to the Constitution of the State, under the form of the 10th article of that instrument, by which the income from the public improvements, after deducting the necessary expenses for repairs and superintendence—the revenue arising from the State tax, on real and personal property, for a certain period, and such other items of income as it may be deemed expedient to include, shall be set apart, and be sacredly pledged, for

the payment of the interest upon the public debt, and the gradual liquidation of the principal. Such an amendment, judiciously arranged, would, I apprehend, meet with the decided approbation of the people of the Commonwealth. It would concentrate public sentiment upon a fixed object—remove all doubt of the fulness of the public credit, and lay the foundation for the final extinguishment of the public debt. It would give an additional security and assurance to the people, and to the public creditors, that, in no event, could the public revenue be diverted from its legitimate object, and would furnish conclusive reasons, for the prompt and cheerful payment of the taxes.

I would respectfully recommend a careful examination of the operations of the existing tax laws. Taxes however correctly they may be arranged by law, fall, to a certain extent, unequally upon the people, in consequence of their various circumstances and liabilities; but, if to this unavoidable result be added careless and irregular assessments, by which large amounts of property escape taxation, great injustice is done to those who make an honest and full return of their taxable property.

The adjustment by Congress of the rates of duty on imports, is a topic that continues to divide public sentiment. In my message of the 7th of January, last, I took occasion to express the views which I then entertained regarding it, and to these views I continue to adhere. I can entertain no doubt of the constitutional power of the Federal Government, to make such discriminations in the rates of duties on imports, as may afford reasonable encouragement to domestic manufactures, and productions which may be injuriously affected by foreign competition. This is a power incident to every sovereign State, and as the separate states of the Union are by the express terms of the Constitution, prohibited from its exercise, it follows,



that unless it resides in the Federal Government, the United States are without this essential attribute of national sovereignty.

The extent of these discriminations, bearing, as they do, upon conflicting interests, and in some degree arraying those of one portion of the Union against another, can only be adjusted under the influence of that spirit of concession, and compromise, which prevailed in the adoption of the Constitution itself. The history of our legislation on this subject, demonstrates most conclusively, that a tariff to be permanent, which is so essential to the manufacturing, as well as all the other great interests of the country, must be reasonable and equitable, and that all attempts to establish a rate of ultra protective, or low horizontal duties, have only tended to keep the question in a state of constant agitation, than which nothing can be more prejudicial to the interests of the business community. I am, therefore, in favor of such just discriminating duties as may be sufficient to sustain all our great national interests against injurious competition from abroad; such as will give to the home manufacturer, and producer, reasonable profits on his capital, and enable him to pay his workmen fair wages, without unnecessarily taxing the consumer.

Pennsylvania, possessing as she does, such vast agricultural, manufacturing and mineral resources, and commercial advantages, has a peculiar interest in the adjustment of this question, upon a permanent basis. Should the changes made in the rate of duties, by the tariff act of 1846, affect injuriously any of the great interests of the country, we must unite our efforts to induce Congress, to whose care and discretion the subject is committed by the Constitution, and on whose wisdom and justice we may safely rely, to make all just and reasonable amendments.

From all the reflection I have been able to give this vexed and complicated subject, I am thoroughly con-

vinced, that reasonable discriminating duties, such as can be permanently maintained, in connection with the operations of the Constitutional Treasury, and a sound currency, will do more to promote the permanent and general prosperity of all the great interests of the country, than any other system of policy which can be adopted. High duties, with the employment of banks as the depositories of the public moneys, and a consequent inflation of paper currency, by which the advantage of the duty of the home manufacturer and producer is destroyed, are as certain to hasten and aggravate those commercial revulsions, to which all nations are exposed, as profligacy and vice are to produce want and misery.

The repeal, or modification of the British Corn Laws, by which our agricultural products are admitted into British ports, while it was a measure dictated alike by sound policy, and humanity, towards the suffering population of the United Kingdom, has had a most happy influence upon our farming interests. This measure has already augmented the demand for our bread stuffs, at enhanced prices, and there is reason to believe, it will continue to increase permanently our agricultural exports, which cannot fail to add to the general wealth and prosperity of the State and nation.

In the last annual message I expressed my views, at length, in regard to the policy of the banking system, to which I respectfully refer. To the opinions therein contained, I continue to adhere. At present there is reason to believe, that our banks are in a comparatively sound condition. Without ascribing this creditable and healthy state of things entirely to the policy which has been adopted, of limiting the amount of the banking capital, and making bankers individually liable for the payment of their debts, I am persuaded that it has a salutary influence in preserving the soundness of the currency, and that it should be adhered to inflexibly.

I refer you, with great pleasure, to the able report of

the Canal Commissioners, for a detailed statement of the operations upon the public improvements, during the past year.

The economy, skill and integrity, with which they have been managed, for a few years past, have greatly tended to restore public confidence, and re-establish the credit of the State, and justly entitles every member of the respective Boards of Canal Commissioners, who has had an agency in producing this great reformation, to the gratitude and confidence of the whole community. I refer to the fact, with no ordinary satisfaction, that during the last three years there has not occurred, among all the officers and agents employed on the several lines of improvements, a single case of defalcation.

The improvement of the Ohio river, from its mouth to the city of Pittsburg, has, heretofore, been deemed an object of sufficient national importance, to claim the attention of the Federal Government. Numerous appropriations have been made for this purpose, but not sufficient to carry out any efficient and useful system. Many of the western, and south-western states of the Union, are interested in this improvement. The connection, however, of the main line of our canals and railroads, at the city of Pittsburg, renders its improvement an object of the greatest interest to this State. If it were made navigable during all seasons of the year (except when ice-bound) for steamboats of a large class, it would add to the commerce of Philadelphia and Pittsburg, and to the carrying trade upon the public works, an amount of business that cannot be readily estimated. I, therefore, suggest to the members of the General Assembly, the propriety of memorializing Congress on this subject, and pressing it upon the attention of the General Government, unincumbered with any minor projects, as one worthy its special consideration and favor.

I refer, with much satisfaction, to the reports of the Auditor General, and State Treasurer. They exhibit in detail the condition of the finances of the State, and shew the laudable industry, and intelligent care which these officers have employed, in the discharge of their important and laborious duties.

Before the passage of the act of Assembly of last session, which transferred to the county in which the crime may have been committed, payment of expenses for arresting fugitives from justice, the State had become liable, to various agents, duly authorized, to an inconsiderable amount. This liability could not be met, because no appropriation was made for that purpose. The individuals interested in this matter, are justly entitled to remuneration; and I respectfully recommend that an appropriation be made to liquidate their claims. The amount will be laid before you by the Auditor General.

In consequence of the engagements of the Adjutant General, in the organization of the volunteers, for the service of the United States, in the war with Mexico, his annual report upon our military affairs, has not yet been received. As soon as it comes to hand it will be transmitted to the General Assembly.

The act of the 29th of March, 1836, provided for the appointment and compensation of a State Geologist and his assistants, and a competent practical analytical and experimental chemist, for the purpose of making an accurate geological and mineralogical survey of the State, with a view to determine the order, succession, arrangement, relative position, and the dip or inclination, and the comparative magnitude of the several geological formations within the State, and to discover, and examine, all deposits of ores, coals, clays, marls, and such other mineral substances as may be deemed useful or valuable. The State Geologist was required to make annual reports of the progress of the survey—



to cause to be represented on the map of the Commonwealth, by colors and other appropriate means, the various areas occupied by the different geological formations in the State, and to mark thereon the localities of the respective deposits of the various mineral substances discovered. It is made the duty of the chemist to make full and complete examinations, assays and analysis of all such rocks, ores, soils, mineral substances and mineral waters, as may be submitted to him by the geologist, and to furnish him with a detailed and complete account of the results so obtained. It was also made the duty, among other things, of the State Geologist, upon the completion of the survey, to compile a memoir of the geology and mineralogy of the State, comprising a complete account of the leading subjects and discoveries embraced in the survey.

In pursuance of this act, a State Geologist and his assistants, &c., were appointed, who proceeded with the work, and the State expended upon it the sum of \$76,657.87. A number of annual reports were made, as provided by law, but the main object of the Legislature, the publication of a complete memoir of the survey, exhibiting the results of the examinations, and embodying for the use of the public the vast sum of information, for which so large an amount of public money was expended, has not yet been accomplished. It appears to me, that this subject is of sufficient importance to secure legislative consideration.

Frequent complaints have, for years, been made by the people, of the time consumed in the Legislature by the passage of private and local bills, which greatly increase the business and create subjects for repeal and amendment. Many laws are thus enacted which appear to be regarded as of little consequence or value, for of the acts of last session, forty-three remain in the office of the Secretary of the Commonwealth, which have neither been enrolled or printed, because the small

amount of tax to which they are subject by the act of the 16th of April, 1845, has not been paid into the State Treasury. Thus after the time in preparing and passing these bills has been consumed, and the cost of printing and transcribing them has been incurred, they are suffered to remain in the office, useless and neglected. This proves that much private legislation could be profitably dispensed with, and the time it occupies devoted to subjects of general legislation, by which the duration of the sessions would be shortened, and the expenses of government greatly diminished.

The progressive increase of the number of divorces granted by the Legislature, forces this subject upon the consideration of the General Assembly. It appears to be the settled policy of this State, to provide by law for the dissolution of the marriage contract, for other causes than adultery. These causes are enumerated in the act of the 13th of March, 1815. They embrace a wide range, and seem to provide for all the grievances that may arise in this interesting relation, which require legal interposition.

Special acts of the Legislature for disturbing the contract between husband and wife, are calculated to arrest the attention of every good citizen, when it is remembered that the disregard of marriage vows, and facilities for releasing parties from their obligation, are justly regarded as strong indications of degeneracy in public virtue, and public morals; and that a high regard of marital rights, and a sacred observance of marriage contracts, are among the strongest proofs of the progress of civilization, and of the influence of true religion.

The preamble of the act of 1815, commends itself to our approval by the wisdom and aptness for which it is distinguished. The Legislature there say, "Whereas, the divine precepts of the Christian religion—the

promotion of the best interests of human happiness, the design of marriage, and the object of parties entering into the marriage state, require that it should continue during their joint lives."

These salutary truths, so well expressed, present, in imposing terms, the duty of extreme caution in interfering with the sanctity of the marriage contract.

It may be true, that cases occasionally arise of such extreme hardship, as to warrant the passage of special acts of divorce. But such as require legislative interposition, can but seldom occur, unless the wide range of the act of 1815, is extended beyond reasonable limits.

The signing of bills for dissolving the bonds of matrimony, has always been to me a perplexing duty. I have hitherto given my assent to them, confiding in the judgment and discretion of the representatives of the people, to whom, and not to the Executive, the facts of each case are submitted. But upon a review of the special divorces granted since the enactment of the act of 1815, it appears, that there has been an alarming increase of them, which should, in my opinion, be arrested. During the first period of ten years after the passage of the said act, laws were passed for divorcing the parties to sixteen marriage contracts. During the next ten years, forty-two, and during the last ten years, ninety were passed.

I know of no change in the habits, manners, or condition of the citizens of the State, in their social relations, or in the increase of their number, that accounts for or warrants this increase of divorces. It is possible, that the cause of it may in a degree be found in the facility of obtaining legislation on the subject. Without further inquiry into the cause, the effect is, in my judgment, injurious to the public welfare, and should be strictly guarded against in future.

Whatever doubts may have been, or are now entertained of the power of the Legislature to pass divorce

laws, for any other cause than adultery, or to pass them under the provisions of the Constitution of the United States, that no State shall pass any law impairing the obligation of contracts, it seems to be conceded, against the opinions of many wise and good men, that the power may be constitutionally exercised; but in view of these opinions, the extreme delicacy and responsibility of granting these applications, appear in a strong light.

Under the marriage contract important and valuable rights are vested in the parties, and heavy responsibilities are assumed, which should not be disturbed, even when the power to interfere is unquestionable, without legal notice to the party who is to be affected by the proceeding, and a fair and open trial, the right to which cannot be doubted, and can only be secured by referring the parties to the judicial tribunals.

In every view I can take of this interesting subject, I am persuaded that these special legislative divorces have a dangerous tendency, and that if the power to grant them is exercised at all, a proper regard for the public welfare, requires that it should be limited to cases of extreme hardship and unquestionable propriety.

The progress of our age in civilization, has been distinguished in Pennsylvania, by the amelioration of the penal code, and her improved prison discipline. The organization of her penitentiaries, their domestic economy, and the care and attention to the support, cleanliness, industry, and moral instruction of their inmates, have secured the general approbation and confidence of our own citizens, and have excited the admiration of other states and nations, and furnished models for their imitation. The Philadelphia Society for alleviating the miseries of public prisons, has exercised an efficient agency in producing these valuable results. In order that all the benefits of experience may be had and improved, they submit the propriety of making



provision by law for obtaining, annually, accurate information relative to the convictions for crime, the character of the criminals, the condition and expenses of the penitentiaries and prisons of the Commonwealth, and the cost of supporting the convicts.

The motives of this society are so disinterested, and the reasons they assign for collecting the information required, are so conclusive, and so ably represented in a communication which I have received from them, that I take great pleasure in transmitting copies of it herewith, in order that the philanthropic views of the society, and the importance of the subject may receive that early attention of the General Assembly which they so richly merit.

The Government of Pennsylvania, and her literary, charitable and benevolent institutions, are among the first and best. The people are industrious, intelligent and enterprising. In time of peace, quiet and unobtrusive—in war, firm and decided. Blessed in her physical resources and her institutions, and animated by the spirit of her holy religion, her onward course in improving her social condition is rapid. The great element of preserving, enlarging and perpetuating her greatness, is the universal education of her youth. In this, too, she has for a number of years advanced with the vigor by which all her great efforts are distinguished. The able report of the Superintendent, presents the steady and uniform progress of the system of Common School instruction. That it is yet imperfect, and to some extent inefficient, may be freely admitted; but, who can doubt that the wisdom and energy which commenced, will mature and perfect it.

In conclusion, gentlemen, accept assurances of my hearty co-operation with you in all measures for advancing the welfare of our citizens, and maintaining the honor and dignity of our beloved Commonwealth.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, January 6, 1847.

To the Assembly Vetoing "An Act to Enable the West Philadelphia Railroad Company to Finish their Road."

Gentlemen:

THE BILL ENTITLED "AN ACT TO ENABLE the West Philadelphia railroad company to finish their road" was presented for my approbation on the 18th of last April.

As the construction of this road will establish a rival route to that of the Columbia railway, for a distance of about nine miles from Philadelphia westward, the question involved in the passage of the bill appeared to me to be one of considerable importance, considered with reference to the interests of the State, which I had not time at the close of the session to examine.

The State has, at an immense cost, constructed her various lines of improvements, from which advantages to an incalculable amount are derived by the people, while her own finances are straitened by the large expenditures she has made for these purposes, and her ability is hardly sufficient to meet the periodical demands upon her treasury. Among the most valuable, and of late years the most productive of the public works is the Columbia railway. The construction of this road, eighty-two miles in length, cost the State the sum of four millions two hundred and four thousand nine hundred and sixty-nine dollars and ninety-six cents, equal to fifty-one thousand two hundred and eighty dollars and twelve cents per mile. The transit upon it is incumbered by an inclined plane near to its eastern termination, the management and repair of which, and the fixtures pertaining to it, form a serious item in the annual expenses of the road. The best means of avoiding this plane have been a grave desideratum, with those acquainted with the use of the road, for a number of years. Before the annual value of the Columbia railway had been ascertained, in the

year 1835, the Legislature, perhaps improvidentially, incorporated a company for making the West Philadelphia railroad, the express object of which seems to have been to avoid the inclined plane, and the effect of its completion will be to render a portion of the Columbia railway comparatively valueless. It was to diverge from the Columbia road, about nine miles west of its eastern termination, and to cross the river Schuylkill to the city of Philadelphia, at some point near to and below the Permanent bridge. By a supplement passed in 1838, the company were authorized to cross the river Schuylkill either on the Permanent bridge or on the Callowhill street bridge, or to establish a steam ferry, or to erect a bridge between the said bridges. The time for completing the road was limited by the act of 1835 to five years; and by a resolution of the 1st of April, 1840, it was extended for a period of three years from the date of the resolution. Now, although the company was authorized by the act of the 29th of March, 1837, to borrow money for its completion and to mortgage the road, they suffered the period, within which it was to be finished, to pass without completing the work, and have virtually, since the 1st of April, 1843, for a period of more than three years, abandoned it.

The business on the Columbia railway is now rapidly increasing, and its average net annual income, throughout the whole length of it, may well be estimated at more than three thousand dollars a mile, while that portion of it which lies nearest to Philadelphia, is still more productive. As has been already stated, the Philadelphia inclined plane is a serious and expensive interruption of the trade and travel upon the Columbia railway, and the intersection of the Reading railway, at its foot, crowds on an amount of business from that point to the termination at Vine and Broad streets, which presses upon the State with great force,

the policy of providing another avenue to pass this immense accumulation of trade and travel.

Under these circumstances, the bill before me, was presented for my approbation at the close of the last session of the Legislature. It provides for the revival of the company, which has slept for more than three years, and extends the time for completing the road five years.

The company having abandoned the work which they commenced, the selection of the best route by the Commonwealth, on which to construct another avenue to the city, is not incumbered by any legal or equitable claim on their part to public consideration. If their route is the best, then the grading and construction of the road should be executed by the State, and under the supervision of the Canal Commissioners, in order that an avenue of so much importance may be made adequate to meet the public wants. If it is not the best, and the State adopts a better, then sound policy and the interests of the people demand that no rival route should be created by which the value of nine miles of the Columbia railway will be diminished. In addition, by the provisions of the bill, the power of the company to erect a bridge over the river Schuylkill is revived, a power which may materially interfere with the ultimate policy and interest of the Commonwealth.

The bill provides that the State may purchase the road after it shall have been completed by the company, at a sum not exceeding four hundred and fifty thousand dollars. Now if their location is the one which ought to be adopted, or occupies the principal ground which may be required, then the State will be compelled, when the necessity of another avenue can no longer be resisted, to purchase from the company, although the grading and construction of the road may be defective in essential requisites, or otherwise give up to them the



principal part of the income of nine miles of the Columbia railway.

Again, if the charter of the company is revived, and they adopt no measures for the completion of the road, the State, when she requires the use of the ground it occupies, or any part of it, and of any works which the company has erected, will be required to pay, in addition to their value, a compensation for the chartered rights which she is now asked to grant. The dear bought experience of Pennsylvania teaches that there is wisdom in avoiding, if possible, conflicts of this sort with corporations..

Upon a review of this subject, the policy and interest of the Commonwealth, it appears to me, cannot be mistaken. If another avenue to Philadelphia is required, by which the easternmost nine miles of the Columbia railway will be superseded, then a competent engineer or engineers should be appointed by the State to make the best possible location, and it should be constructed not by entering into a sort of partnership with a corporation, but by the Commonwealth. The object is one of real magnitude, and its accomplishment should not be harassed or delayed by incidental questions or interests that can possibly be avoided. If the route selected by the company should be ultimately adopted by the State, the company will be entitled to, and receive out of the public treasury, a fair compensation for their work and land which may be used and occupied.

With these objections to its becoming a law, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Jan. 7, 1847.

To the Assembly Vetoing "An Act to Establish a Cheaper and More Efficient Mode of Collecting Taxes in Butler County, and to Reduce the Public Expense, and Diminish Litigation in said County."

Gentlemen:

THE BILL OF THE LATE SESSION, ENTITLED "An Act to establish a cheaper and more efficient mode of collecting taxes in Butler county, and to reduce the public expenses, and diminish litigation in said county," was presented to me for signature on the 21st of last April.

This bill proposes to introduce into the legislation of the State, on the subjects generally of taxation and judicial proceedings, numerous important innovations having exclusive application to Butler county. Among these are an entirely new plan for collecting State, county and poor taxes, various new forms of county levies, the creation of new officers, the imposition of new duties on old ones, changes in their rates and modes of compensation, and a train of modifications in the system of juries and jury trials.

I have in the message returning the bill, entitled "An Act regulating actions before justices of the peace in the county of Erie," remarked upon the impolicy and danger of special legislation for districts, of which the bill before me is a striking illustration. It imposes burdens and penalties on the citizens of Butler county, from which the other portions of the State are free—it increases very largely the emoluments and powers of one county officer, and sequesters to the use of the county treasury one-fifth of the compensation which may be earned by other like officers under the laws of the State—and it essentially, if not in express terms, assails the right of the freemen of that county to trial by jury "as heretofore."

The perilous importance of this last projected altera-

tion in the ancient law of Pennsylvania, may justly engross attention.

In the fifteenth section of the bill it is made lawful to decide all civil suits by a jury of six men, if the parties shall consent thereto; and the sixteenth section provides that if this consent be withheld, the jury charges to be paid by the losing party shall be taxed twenty-five per cent. higher than in other cases. These provisions, taken together, strike me as being a serious infraction of the bill of rights.

The citizen may undoubtedly yield up by consent his right to a trial by jury; or he may, if he chooses, submit to a trial before a less number of persons than twelve. But it must be by consent, and that given freely and without condition or apprehension of prejudice. The jury, so called for the trial of civil issues, has, from the earliest period of the history of our law, consisted of twelve men, all hearing the proofs and uniting in the verdict. Such was the jury institution as brought over to Pennsylvania by our ancestors, and such it has remained among us, through all revolutions of political government.

The successive constitutions of the Commonwealth, while guarantying this mode of trial to the citizens, have protested in advance, against any legislative mutilations of this time-honored monument and safeguard. Over and again it has been declared emphatically in the bill of rights, that "Trial by jury shall be as heretofore." The trial by six jurors is a departure as essential in principal, from the ancient landmarks, as would be the trial by a single man. If we may reduce the number at all, what is to limit the reduction?

It is true that the bill in question does not at the first view appear to compel a party to accept this substitute for a jury trial. But to a certain extent it does so nevertheless; it calls upon the citizen who elects to enjoy his unquestionable constitutional right, to do

so in open court, exposing him to the imputation of desiring to multiply the chances of disagreement in the jury box, and of being willing, by the increased expense of a full jury, to add to the county burthens. There is a liability to prejudice in this which should not be connected with the assertion of a freeman's rights.

But the bill goes further, and directly taxes his case with an increase of costs if he shall prefer a jury "as heretofore," to the novel substitute which it offers him. "The right of trial by jury" does not "remain inviolate" when the citizen is specially taxed for claiming it. There is no warrant in the constitution for affixing in this way a price to the exercise of rights which come to us as a birth-right, and which belong freely and without price to us all.

The provision, like all others that infringe on constitutional rights, is calculated to press with most force on the poorer and less influential citizens. The man whose social position has placed him in some degree above the reach of prejudice, or whose pride prompts him to disregard it, will not be controlled by that sentiment to which the more humble may be forced to defer. Thus freedom of choice, which the bill professes to offer to all, is virtually withheld from some, or greatly impaired. In the same spirit the bill enables the rich suitor, by refusing the smaller number of jurors, to increase the costs of controversy, and to bear hard on his less prosperous opponent. In a word, it is unequal in its operation, and that inequality regards the administration of justice.

By the fifteenth section of the bill, a tax of twenty per cent. on docket fees of attorneys, on fees received or charged by the prothonotary, clerks of the courts and sheriff, and five per cent. on the fees of the register and recorder, is levied for the use of the county. Without adverting to the inequality introduced into our laws by taxing this class of officers in a single county, it may



be remarked that if their fees in Butler are not more than an adequate compensation, then it is manifestly unjust to tax them for the benefit of the other citizens. If their compensation is too great, then the suitors and those having business in the register's and recorder's offices, including widows and orphans, are taxed to relieve their fellow-citizens from taxation. This principle appears to me to be at variance with the uniform laws and practice of the Commonwealth, and with the plain dictates of natural justice.

For these reasons, without commenting on the anomalies which the bill presents in regard to the other subjects which it embraces, and in other of its details, I return it the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Jan. 7, 1847.

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To the Assembly Vetoing a Bill to change the Corporate Powers and the Name of the Southern Insurance and Trust Company of Philadelphia to the Tradesmen's Bank of Philadelphia.

Gentlemen:

**T**HE BILL TO CHANGE THE CORPORATE powers and the name of the Southern Insurance and Trust Company of Philadelphia, to the Tradesmen's Bank of Philadelphia, was presented for my signature, so near the close of the last session of the Legislature, that there was no time for deliberating upon its provisions.

The bill changes the name of the Trust company as stated in the title; it constitutes the present officers of the institution, officers of the bank—it appoints appraisers of the assets of the Insurance and Trust com-

pany, the whole of which are to be vested in, and become part of, the stock of the Tradesmen's Bank. Each of the stockholders of the Trust Company shall be entitled to an amount of the capital stock of the bank, which shall, at fifty dollars per share, equal the appraised value of the stock in the said Insurance and Trust company, held by any such stockholder. Should any such stockholder refuse to convert his stock in the Trust company into stock of the bank, then the Tradesmen's Bank is to pay such stockholder the amount of money that any such stock may be worth, at the value thereof, ascertained by the aforesaid appraisement. Commissioners are appointed, who, in conjunction with the directors in office, shall have power to increase the capital of the bank to one hundred and fifty thousand dollars, the additional stock to be sold under the direction of the said commissioners and directors.

These are the main features of the bill, the object of which is the establishment of a new bank of circulation in Philadelphia, with a capital stock of one hundred and fifty thousand dollars.

The paramount duty of maintaining a sound currency for the use of the people, requires constant care and watchfulness on the part of the government. That banks either possess or assume the power to derange the currency, is proved by experience, and that there is a point in the amount of banking capital when additions to its increase the tendency to over-issues, is certain. A subject so complicated, and a business so hard to control by legislative enactments, and which, when mismanaged, so injuriously affects the interests of the whole community, demands the sober and serious attention of those to whom is confided the superintendence of the public welfare. It is very certain that the heavy losses which the people have from time to time sustained by the abuse of banking privileges, have resulted from the inefficiency of the laws made for their

protection, and for the control of the banks. Under the warning influence of one of the heaviest calamities resulting from this inefficiency which has fallen upon the people of this State, two additional guards for securing a sound currency have been suggested. First, a limitation of the banking capital to the amount which, after the late revulsion, had a legal existence; and secondly, a provision making bankers liable, as all other men are liable, to pay their just debts. Experience does not enable us to affirm that these guards, with the present organic structure of the banking system, will secure its usefulness without exposing the community to the evils of its abuse. It is true the currency has for several years been comparatively sound, but other causes may have had an agency in producing this result. The experiment has not yet been exposed to the effects of those revulsions in trade which are produced by causes over which legislation has no control, and which, when they occur, are made destructive by a vitiated paper currency. Time will demonstrate whether our present laws, with the guards suggested, will shield us against the disasters which banks have heretofore brought upon us. That their tendency is beneficial, I am fully persuaded; but I cannot see anything in the present aspect of affairs that warrants, in my opinion, a departure from the policy of limiting the banking capital to its present amount; on the contrary, strong reasons for adhering to it may be deduced from the anticipated increase of the importation of foreign goods. Additional banks, and large bank issues, may create means for purchasing, but they will not provide the specie required to pay for them abroad.

In addition to this paramount reason for withholding my signature from the bill, there are, in my judgment, sound objections to its details.

It does not appear what is the probable value of the assets of the Southern Insurance and Trust company,

or of what they consist; they may be valued at an amount equal or approaching to the whole capital of the contemplated bank. If this should be the case, the bill will create a bank with authority to issue notes and put them in circulation as money, founded not upon a bona fide cash capital, but principally, if not altogether upon debts due, or assets other than cash, of which the Insurance and Trust company may happen to be the owner.

Without any desire to entertain or express a doubt of the value of their stock, or the ability of the Southern Insurance and Trust company to meet their engagements, I submit with great confidence, that if it were sound policy to extend the banking capital of the State, under no circumstances would wisdom or prudence justify the increase of it upon a basis such as is contemplated in the bill before me.

The bill also provides, that if any of the stockholders in the Southern Insurance and Trust company, shall refuse to exchange their stock for that of the Tradesmen's Bank, then the latter is to pay such stockholders the amount of money that any such stock held by them may be worth, the value thereof to be ascertained by the appraisers of the assets of the Southern Insurance and Trust company.

By this provision the shareholders in the Insurance and Trust company, who may not desire to vest their property in the bank, are divested of their property upon the payment of a valuation affixed upon it by appraisers appointed, from all that appears on the face of the bill, without their knowledge or consent. The shareholders in the Insurance and Trust company have a vested right in the property of the company equal to the proportion of shares which each holds.

Their right to this is as perfect as their right to any personal property they possess, it is a portion of their estate plainly protected by the Constitution. The bill



requires them to invest this property in the stock of the bank, or to receive for it from the bank the valuation made by the appraisers, that is, if they do not choose to become shareholders in the bank, then the bank is authorized to take their property at the valuation provided in the bill. This, in my opinion, involves the exercise of a power which, if admitted, would place the property of the citizen at the disposal of the Legislature. That which a man acquires in his own, subject to the payment of his just debts, and subject to the power of the Legislature, under the Constitution, to apply it to the public use; beyond this there is, in my apprehension, no right in the government to interfere with or control him in the disposition of it.

With these my objections to its becoming a law, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Jan. 7, 1847.

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To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, January 8, 1847.

Gentlemen:

**D**URING THE RECESS I COMMISSIONED MOSES Coolbaugh to be an associate judge of the court of common pleas of Monroe county, in the room of Joseph Keller, whose term of service had expired.

James Bell and John Moorhead to be associate judges of the court of common pleas of Westmoreland

county, their term of service having, respectively, expired.

Samuel Strohecker to be an associate judge of the court of common pleas of Centre county, in the room of John Shafer, resigned.

George R. M'Farland and Daniel McConnell to be associate judges of the court of common pleas of Blair county.

Daniel Heberling to be an associate judge of the court of common pleas of Carbon county, in the room of Jacob Dinkey, deceased.

Hopewell Hepburn to be president judge of the district court composed of the county of Allegheny, in the room of Robert C. Grier, resigned.

Walter H. Lowrey to be associate judge of the district court composed of the county of Allegheny, in the room of Hopewell Hepburn.

Richard Coulter to be an associate judge of the supreme court, in the room of John Kennedy, deceased.

Thomas S. Bell to be an associate judge of the supreme court, in the room of Thomas Sergeant, resigned.

John M. Forster to be president judge of the 15th judicial district, composed of the counties of Chester and Delaware, in the room of Thomas S. Bell, resigned.

John Holmes and Aaron S. Arnold to be associate judges of the court of common pleas of M'Kean county—the first in the room of N. Richmond, deceased, and the second in the room of Nathaniel White, deceased.

Joseph Thompson to be an associate judge of the court of common pleas of Indiana county, in the room of Fergus Cannon, deceased.

I now nominate them, respectfully, to the Senate, for offices named.

FRS. R. SHUNK.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,  
Harrisburg, Jan. 25, 1847.

**I** MAKE THE FOLLOWING NOMINATIONS, VIZ:  
Charles Ritz, to be an associate judge of the court of common pleas of Mifflin county, to fill the vacancy which will occur on the 26th inst. by the expiration of the term for which Samuel P. Lilly was commissioned.

Jacob Grosh, to be an associate judge of the court of common pleas of Lancaster county, to fill the vacancy which will occur on the 2d of February next, by the expiration of the term for which he was commissioned.

M. C. Tyler, to be associate judge of the court of common pleas of Susquehanna county, to fill the vacancy which will occur on the 26th inst. by the expiration of the term for which Benjamin Lathrop was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating Orange A. Lewis to be an Associate Judge of the Court of Common Pleas for Potter County.

**I** NOMINATE ORANGE A. LEWIS, TO BE AN ASSOCIATE judge of the court of common pleas, of Potter county, to fill the vacancy which will occur on the 21st instant, by the expiration of the term for which John L. Rooks was commissioned.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Feb. 3, 1847.

To the Assembly Vetoing "An Act to Incorporate the Pennsylvania Railroad Iron Manufacturing Company."

Gentlemen:

**T**HE BILL, ENTITLED "AN ACT TO INCORPORATE the Pennsylvania railroad iron manufacturing company," has been presented for my approbation.

This bill provides for the incorporation of five persons, naming them, and such others as may associate with them, for the purpose of manufacturing railroad and other iron, in all its varieties, with a capital stock of two hundred thousand dollars; and in addition to the usual corporate privileges, may purchase and hold one thousand acres of land. The company may go into operation when the amount of fifty thousand dollars of the stock is paid in. Various provisions are made for the government of the company and the security of the stockholders.

When I assumed the duties devolving on the Executive under the Constitution, in January, 1845, I announced the following, among other leading principles, by which I proposed to be guided in the performance of my official duties, to wit: "That the grant of exclusive privileges to some, is repugnant to our whole system, the intent of which is, to make firm the equal rights of all, and that men associated for gain, should, in common with others, be liable individually for all their joint engagements." These, I then regarded, and do still regard, as being among the primary truths affecting the basis of our government, and needing no better confirmation of their value, than is to be found everywhere in the history of our country.

In the application of these primary truths to the action of the General Assembly, it has been my painful duty, on several occasions, to return with objections,



bills that had received the assent of a majority of both branches of the Legislature. In the messages I had the honor to transmit, containing these objections, my views upon this important subject are expressed, to some extent, in detail; they will be found among others, in the message of the 22nd March, 1845, Senate Journal, vol. 1, page 487, on the bill relating to the Duncannon iron works, in Perry county; in the message of the 12th of April, 1845, Journal House of Representatives, vol. 1, page 717, on the bill to incorporate the North Branch railroad and coal company; and in the message of the 9th March, 1846, Senate Journal, vol. 1, page 355, on the bill to incorporate the managers and company of the Conestoga steam mills, in the city of Lancaster. These views are predicated in principle of the first section of the bill of rights, which declares, "That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

By this section, the power of the Legislature to make distinctions among the citizens, in regard to the acquisition, possession and protection of property, is as clearly prohibited, as the power to place the life, liberty, reputation or pursuit of happiness of selected and favored individuals, under a particular guardianship and protecting care, from which the rest of the people are excluded; a proposition too monstrous to be tolerated under a free government.

Equality of rights is the peculiar feature of our system. This principle had a distinct application in its adoption, when the love of liberty and the inherent and indefeasible rights of man were felt and apprehended in their fullest force; being then placed in strong contrast to the inequality that prevailed in the government from which our Revolutionary fathers separated these States. This equality is sealed and sacredly guarded

by the Constitution, as one of the great and essential principles of liberty and free government.

The distinguishing feature of the bill before me, is to disturb this equality. It proposes to confer on an incorporated company, not only the right to manufacture railroad iron, but iron in all its varieties; a business in which thousands of our citizens, with an investment of millions of capital, are already engaged on their own individual responsibility. It does not even compel the company to enter upon the manufacture of railroad iron, which is held out as a principal object. The bill proposes to authorize the company to hold one thousand acres of land in Blair county, which they may of course hold in as many different places in the county as to them may seem convenient; to establish furnaces, forges, and rolling mills to carry on the ordinary manufacture of iron, in competition with individuals, without conferring any, the slightest, benefit upon the public that is not derived from individual manufacturers. I cannot perceive in the object of this association, reasons of preference or peculiar merits sufficient to warrant a departure from the settled policy of the Commonwealth, and an invasion of the principles of the Constitution.

Individual means, enterprize and talents, have under the benign protection of equal laws, and with a sacred regard to the inherent and indefeasible equal rights secured to all, infused into the great departments of business in the State, agricultural, commercial, mining, manufacturing and mechanical, a degree of energy, enterprize and health, which have carried us onward in prosperity, civilization and refinement. The people who have thus, under Providence, been the instruments of establishing our greatness, who have enjoyed their rights in common with their fellow citizens, who have thriven under the observance of the declaration of rights, and have been a blessing to themselves and to the country—

these are the meritorious men of the Commonwealth, and they are elevated far above the desire to add to their gains, or to seek for security against contingencies, by asking for special privileges. Relying upon themselves, as freemen ought, they cleared our native forests, built the log cabin and the homely shed, which have now given place to abodes of comfort and convenience; the precarious crop, growing amidst deadened timber trees, and snatched from the hostile Indians, is lost in the general and peaceful cultivation of the earth, that fills the land with plenty. The spinning wheel, behind which the frugal housewife was wont to ply her evening care, is hushed by the whirl of millions of spindles, propelled by the power of steam in the manufactory. The dependent traffic with England, is exchanged for an enlarged and profitable commerce with the world. The mechanic arts, that once furnished only a limited supply of necessities to a scattered people, now minister in profusion to the wants, convenience and comfort of a large population. The bowels of the earth have been explored, and its mineral treasures brought out and appropriated for purposes of general good. And the small and obscure furnace and tilting hammer, are superseded by the full stacks and extensive rolling mills, by which our limitless mines of iron ore are converted, in all possible varieties, to the use of man. Those are achievements under the Constitution, and sustained by its principles, and I cannot believe, that it is either the policy, the interest or the right of the government, to exchange such solid foundations of true greatness, for a new system of special privileges, repugnant to the principles of the government, and, in my opinion, to the sentiments of the freemen of Pennsylvania.

The introduction of a class of operators, clothed with exclusive privileges, to me appears to be, not only contrary to the spirit and meaning of the Constitution, but

it promises no advantage either to the public or to individuals. This is proved by the result of all attempts that have hitherto been made in this state, to benefit public or private interests by means of corporations, for purposes within the compass of individual means and enterprize.

All that legislative grants could do, seems to have been done, to animate incorporated coal companies with the ability to develop this invaluable mineral. Thirty-five companies have been incorporated, with an aggregate capital of more than eight millions of dollars, and with authority to hold eighty-five thousand acres of coal land. Where are they? What have they done? They are useless, because of their organic inadequacy to accomplish the purposes for which they were created. Individual enterprize, capital and energy, sanctioned and invigorated by the spirit and meaning of the Constitution, have seized upon and performed the work with resistless power. And those petty artificial creations, have shrunk from competition with the natural and vigorous exertions of the people, made without aid, and, in some degree, in defiance of legislative enactments.

Lending money, has been conducted in this State by incorporated banks, perhaps with more success than has attended any other attempt to carry on business, by conferring special privileges. And yet the aggregated losses and injuries which have been inflicted upon the people by the paper system, of which they have been the prolific source, the badly compensated by all the advantages they have conferred. The festering sores that were created upon the body politic, under the banking act of 1814, and the flood of vice, gambling and fraud which it spread over the land, had barely been stayed and controlled, when the Bank of the United States commenced, and carried out its work of desolation—unsettling the



foundation of property—stripping the virtuous of their honest acquisitions, and robbing the widows and fatherless of their means of subsistence. The hope is now entertained, that by limiting the amount of banking capital, and by the introduction of wholesome restrictions, the advantages to be derived from the system, may be secured without being exposed to the danger of those excesses which have heretofore been so destructive. But, should the power to regulate and control the banks fail, who that values honesty and truth, virtue and religion, would not infinitely prefer the old fashioned, simple and frugal mode of lending money, when those who were fortunate assisted their enterprizing neighbors upon a safe neighborhood security, to all the benefits of the banking system, purchased by the introduction of so much fraud, profligacy, oppression and disgrace?

It follows from this review, that our history proves conclusively that individual enterprize, in all the great departments of business, has been as beneficial and successful as corporate operations have been too frequently useless and ruinous.

But it is sometimes argued, that by corporate privileges, men of small means may engage in a large business, by aggregating their capital, and by this legal device, a man having one hundred, five hundred, or a thousand dollars, may become a coal operator, a banker, or an iron master. The thousands of our citizens who have lost their money by becoming shareholders in corporations, demonstrate the fallacy and folly of this argument. Small shareholders in corporations, are the mere instruments of the wealthy proprietors; they have no effective voice in the management of affairs; they are powerless, helpless and dependent. A few large shareholders manage the institution, and direct it for evil or for good; and thus, instead of diffusing the benefits of a profitable busi-

ness, and limiting the power and influence of individual wealth, this power and influence are greatly increased. The principal shareholders not only manage their own money, but they work with the augmented power, derived from the means of their neighbors. The bill before me provides that the company may go into operation when fifty thousand dollars of the stock are paid in; a few principal shareholders who own twenty-six thousand dollars of the stock, may, as each share is entitled to one vote, assume the direction, and those who have paid in the remaining twenty-four thousand dollars, must patiently submit. Thus one, or perhaps two or three men, with a capital of twenty-six thousand dollars, secure the control of fifty thousand dollars; and the power which wealth always confers is multiplied, not by the natural course of things, but by legal contrivance; and the very argument by which these special privileges are attempted to be sustained, is found upon examination to be adverse to the end for which it is advanced.

This bill contains one extraordinary feature. By the seventh section it is provided, that the stockholders shall be individually liable, when the corporation is insolvent, not to pay all their just debts, but only those due to an enumerated class of creditors, while the claims of others, are excluded from the benefits of this security. The preference thus given, limits the liability, not to the honesty and merit of the claim, but to the profession or business of the claimant, and introduces a rule of moral obligation, so novel in its terms and unreasonable in its application, as to find no sanction in the plain principles of common justice. Besides, this section presents the strong temptation to the managers of a failing corporation, to apply the funds they can command, to the payment of those creditors who have claims by the law, upon the individual estates of the stockholders, and to

throw the loss upon those creditors from whom this security is withheld. This provision demonstrates the inconsistency and injustice which are inseparately connected with every deviation from the plain and natural principles of right, which hold every man liable to pay all his honest debts, and have the salutary effect of checking extravagance, and making men careful and cautious in their enterprizes and business operations.

I have already adverted to the achievements of individual enterprize, which is most strongly illustrated by the extensive and successful manufacture of iron throughout the State. By granting special privileges to some, great injustice is done to others engaged in carrying on the same business. Upon this subject I remarked in the message upon the Lancaster manufacturing company, in 1846: "Aggregate corporate wealth, employed in any branch of industry which has already engaged the enterprize and capital of individuals, either is or is not, more advantageous and profitable than individual investments, devoted to the same object. If it is not more profitable, there can be no reason founded in State policy which will sanction its adoption. If it is more profitable, then it is made so by special privileges, conferred by the Government on some and denied to others, a principle which finds no sanction in the universal opinion of the people of this State, and is repugnant to the fundamental law." And again: "Is this proposed change sustained by the allegation that the great manufacturing establishments at Philadelphia, Pittsburg, and throughout the State, begun and conducted as they have been, by individual means and skill, have failed in accomplishing the purposes for which they were erected, or that they are languishing for want of corporate animation? The entire aspect of the State negatives the idea." Why should one company or as-

sociation be privileged to place only a portion of the estates of the partners, in a position to be subject to the contingencies of the business, and in case of misfortune, fall back upon the enjoyment of their protected means, and hold their creditors at defiance, while all the rest honestly apply all their property to meet the just demands of their creditors?

Every aspect of this bill, presents to my mind insuperable objections to the adoption of its provisions, and strengthens my conviction, that, by the exclusion of corporate privileges, and by a strict adherence to the sound, old-fashioned principles, by which the reward of industry is secured, and every man is compelled, if he is able, to pay all his honest debts, are among the best means of promoting individual happiness and prosperity, and of advancing the general welfare.

Upon a review of the whole subject, I am convinced, that irrespective of objections to details, the granting of exclusive privileges to some, for purposes within the compass of individual enterprize, is repugnant to the spirit and meaning of the Constitution of the State—to the sentiments of the people, and to the genius of our institutions.

With these objections, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber.

Harrisburg, Feb. 9, 1847.



To the Senate Nominating Mark Gordon to be an Associate Judge of the Court of Common Pleas for Greene County.

Executive Chamber,  
Harrisburg, Feb. 12, 1847.

Gentlemen:—

I NOMINATE MARK GORDON FOR THE OFFICE of associate judge of the court of common pleas of Greene county, to fill the vacancy which will occur on the 28th inst. by the expiration of the term for which Asa McClelland was commissioned.

FRS. R. SHUNK.

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To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:—

I IN THE ANNUAL MESSAGE TO THE LEGISLATURE of the 6th January last, I had the honor to state, as follows: "The balance in the Treasury on the first instant was only \$438,986.68. It is therefore altogether probable that it may become necessary to make some arrangement to anticipate a small portion of the revenue of the year, to meet the interest which will fall due on the 1st February next. I recommend that some legal provision be promptly made for this purpose. This will not affect the financial calculations and estimated results of the year. I feel entire confidence that, taking into view the operations of the whole year, the results will sustain substantially the estimates that have been presented."

It now appears from information which I have received, that a deficit of about \$200,000 has occurred, and that a portion of the interest which fell due on the first instant has not yet been paid.

I hasten to submit this fact to the representatives of the people, with the recommendation that an act be forthwith passed, authorizing the Treasurer to negotiate a temporary loan for the immediate payment of the interest now due, and pledging the accruing revenue, over the ordinary demands upon the Treasury, for its re-payment. It is believed that it can be fully refunded in ninety days. And I will here take occasion again to repeat, that this will not, in my judgment, affect essentially the estimated results for the whole of the present financial year. This deficit, it will be perceived, was anticipated in the annual message.

As the faith and credit of the State are involved, I cannot too strongly express my anxiety for the prompt action of the Legislature in the matter now submitted to their consideration.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Feb. 16, 1847.

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To the Assembly Vetoing "An Act to Incorporate the Managers and Company of the Conestoga Steam Mills in the City of Lancaster."

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO INCORPORATE the managers and company of the Conestoga steam mills in the city of Lancaster," has been presented for my signature.

This bill does not vary essentially from one with a similar title, which I returned to the Senate on the 9th of March, 1846, with objections to its becoming a law. The only material difference between the present and the former bill is, that the stock is increased

from one hundred and thirty to three hundred thousand dollars.

The object of the incorporation is to establish and put into operation, in the county of Lancaster, a manufactory of manufactories for making cotton goods, or goods composed partly of cotton and partly of other materials, and for bleaching, dyeing and printing such goods.

The main question involved in this bill was presented to me in the bill to incorporate the Pennsylvania railroad iron manufacturing company, which I returned, with objections, to the Senate on Tuesday the 9th instant. The passage of these bills by both branches of the Legislature, and the respect I entertain for the opinions of the representatives of the people, present considerations which might shake confidence in my convictions, that they are dangerous to the public weal, were these convictions not fortified by the spirit and meaning of the bill of rights.

Distinctions in the privileges of the people, which are to be established by the provisions of this bill, have been and are a fruitful source of mischief and oppression, under all governments, where they have been created and sanctioned by law. The special privileges of the nobility and the laws of primogeniture, by which immense portions of real estate are held by patricular families and transmitted from generation to generation, have been among the devices which have divided communities into classes, and elevated one by the depression of another. The peculiar feature of all these distinctions is to add to the privileges, power and influence, of those who possess wealth and fame. They give to those who do not need, and take from those who require protection.

To escape from this unjust and oppressive system of government in the old world, by which the greatest good of the smallest number is secured, our forefath-

ers migrated hither, and with resistless force and eloquence re-enacted and restored the primeval law of equality among men. But the overweening desire of wealth, to increase its power, was not eradicated. While the humble citizen, contented with his lot and proud of the distinction and dignity of a free-man, admires, and loves, and sustains the great principle of equal rights, some who have been more fortunate in the acquisition of property, seek to fortify their possessions by invoking the law to extend to them special protection in the form of corporate privileges; and in confirmation of the truth, that privileged orders are created for the benefit of the rich, these special grants are always asked by associations possessing large accumulations of wealth. An application from several farmers, merchants, carpenters, weavers, shoemakers or other mechanics, to unite their one thousand, five thousand or ten thousand dollars, under a legislative grant, for special privileges, for the purpose of advancing their interests and making a radical distinction between their rights and those of their neighbors, would be regarded with wonder, and it is as unreasonable to suppose that it will be made, as to believe, that if made, it would be granted. But men, in more fortunate circumstances, who are associated and enabled to advance the sum of three hundred thousand dollars, or more, for the purpose of prosecuting a business which has been brought to perfection and made profitable by individual enterprise, claim, without hesitation, special privileges from the government, and urge them with all the confidence that wealth can impart. The right to this distinction seems to rest upon the amount of the investment. While the mechanic in his shop, twenty feet square, and with a capital of five hundred dollars, cheerfully carries on his business in the enjoyment of equal rights, common to all his fellow citizens, liable to



pay all his debts if he is able—the association with a shop three hundred feet square, and with a capital of three hundred thousand dollars, demands from the government special protection. True to the principle involved in all the arbitrary distinctions among men, created by law, they found their demand upon the amount of capital and the size of the shop.

As I have discussed the question heretofore, and have stated my reasons at length, against the principle of the bill before me, I respectfully refer to those reasons contained in the message of the 9th March, 1846, on a bill with a similar title, to be found on the Journal of the Senate for that year, Vol. 1, page 355, and to the message on the bill to incorporate the Pennsylvania railroad iron manufacturing company, returned to the Senate on the 9th instant.

With these objections I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Feb. 16, 1847.

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To the Senate Nominating John Pringle Jones to be President Judge of the Third Judicial District.

Executive Chamber,

Harrisburg, Feb. 20, 1847.

Gentlemen:—

**I** NOMINATE JOHN PRINGLE JONES FOR THE office of president judge of the third judicial district, composed of the counties of Berks, Northampton and Lehigh, to fill the vacancy that has occurred by the resignation of John Banks.

FRS. R. SHUNK.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Gentlemen:—

**I MAKE THE FOLLOWING NOMINATIONS:**

William D. Kelly, for the office of associate judge of the court of common pleas of the first judicial district, composed of the city and county of Philadelphia, to fill the vacancy which will occur on the 27th instant, by the expiration of the term for which J. Richter Jones was commissioned.

Henry Ruby, to the office of associate judge of the court of common pleas of Franklin county, to fill the vacancy which will occur on the fifth of March next, by the expiration of the term for which James J. Kennedy was commissioned.

Daniel Christy and James R. Morrison, to be associate judges of the court of common pleas of Juniata county, to fill the vacancies which will occur on the 5th of March next, by the expiration of the term for which John Beale and William M'Allister were commissioned.

Henry Carmony and William Rank, to be associate judges of the court of common pleas of Lebanon county, to fill the vacancies which will occur on the eighth of March next, by the expiration of the term for which John Shindle and Samuel Goshert were commissioned.

John Hamilton, to be an associate judge of the court of common pleas of Warren county, to fill the vacancy which will occur on the 28th instant, by the expiration of the term for which William Siggins was commissioned.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Feb. 22, 1847.

To the Senate Nominating Joseph Engle to be an Associate Judge of the Court of Common Pleas for Delaware County.

Gentlemen:—

**I** NOMINATE JOSEPH ENGLE FOR THE OFFICE of associate judge of the court of common pleas of Delaware county, to fill the vacancy which occurred on the 26th of January, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Feb. 22, 1847.

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To the Assembly Concerning the Famine in Ireland and Scotland.

Gentlemen:—

**E**VERY ARRIVAL FROM ABROAD ADDS HORROR to the story of the suffering of the people of Ireland. Pale famine, with "the destruction that wasteth at noonday" in its train, is upon them. The wailings of the afflicted are heard from afar, and every generous and human feeling is awakened—every heart throbs with sympathy, and every hand is ready to extend relief. In addition to the ordinary claims of misery, wherever may be its location, there are considerations which give to an appeal from Ireland to us resistless force. Her sons have been the champions of liberty, and their bones are bleaching upon every battlefield of the first and second war for American independence.

The Highlanders of Scotland, too, are represented as suffering for the want of bread. Who can withstand the claims of these countries? the genius of whose sons has shed light and science, and the charms

of poetry—of eloquence and of story, upon every country. Nations so distinguished, whose sons and whose daughters have mingled their blood with ours, and transferred to their adopted country the genius of their native land—over these nations the cold and withering hand of famine has stretched its desolations.

Realizing the ties of a common kindred, impelled by the charities of our nature and the holy spirit of religion, the people of these States are pouring out of their abundance for the relief of the sufferers; they are expressing the fullness of their gratitude to the great Giver of Good, who has bountifully blessed their basket and their store, by sending bread to famishing men, women and children.

Profoundly thankful that we have the means, and are moved to enter upon this work of piety and benevolence, I recommend to the General Assembly the immediate passage of a law for the transit upon our public works to the sea board, free of toll, of all bread-stuffs and other provisions which the kind hearts and open hands of our citizens are providing for the relief of those upon whom the hand of affliction is so heavily laid.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, Feb. 22, 1847.



To the Senate Nominating John M'Namara to be an Associate Judge of the Court of Common Pleas for Crawford County.

Executive Chamber,  
February 23, 1847.

Gentlemen:—

I NOMINATE JOHN McNAMARA, TO BE AN ASSOCIATE judge of the court of common pleas of Crawford county, to fill the vacancy which will occur on the 28th instant, by the expiration of the term for which John Work was commissioned.

FRS. R. SHUNK.

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To the Assembly Vetoing "A Supplement to an Act Authorizing the Governor to Incorporate the Muncy Canal Company, and to Authorize the United States Bank to Establish a Branch at the Town of Erie."

Gentlemen:—

THE BILL, ENTITLED "A SUPPLEMENT TO AN act authorizing the Governor to incorporate the Muncy canal company, and to authorize the United States Bank to establish a branch at the town of Erie," passed the first day of April, Anno Domini one thousand eight hundred and thirty-six, has been presented for my signature.

This bill contemplates the revival of the act for incorporating the Muncy canal company, which expired on the first day of April, one thousand eight hundred and forty-one. The act which is thus to be revived, was passed on the first of April, one thousand eight hundred and thirty-six, and authorizes the company, in the construction of their works, to occupy

and take property of individuals, without making compensation to the owners, or giving adequate security before such property is taken, an authority which the constitution expressly directs shall not be granted by the Legislature. The fourth section of the seventh article of that instrument provides, that "The Legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken."

With this objection, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,

February 26, 1847.

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To the Assembly Vetoing "An Act Supplementary to the Act Incorporating the Farmers' Deposit Bank of Pittsburg and Supplement Thereto."

Gentlemen:—

THE BILL ENTITLED "AN ACT SUPPLEMENTARY to the act incorporating the Farmers' Deposit Bank of Pittsburg, and supplement thereto," has been presented for my approbation.

It appears that this institution was incorporated by the act of the 8th of April, 1833, under the name of the Pittsburg Saving Fund company. The amount of the capital stock is not stated in the act, but the aggregate of the capital stock and deposits is limited to one hundred thousand dollars. The stock is divided into fifty shares, which is to be increased by the payment of weekly instalments of two dollars on each share of stock, until the expiration of the charter. By the eighth section the company is authorized to

receive deposits of money, and to pay therefor such rate of interest as may be agreed on; and it is provided, that they shall not issue or circulate any note or check in the nature of a bank note, or exercise any banking privileges. The object of the incorporation is to establish a saving fund, to enable the corporators to loan their capital stock and deposits—the stock being invested to secure the confidence of depositors.

By the act of 31st March, 1837, the company are authorized to increase their stock and deposits to the amount of two hundred thousand dollars; and by the act of 19th March, 1841, the name and style of the Pittsburg Saving Fund company is changed to the Farmers' Deposit Bank of Pittsburg, with authority to increase their stock and deposits to the amount of five hundred thousand dollars.

By the provisions of the bill under consideration, this savings institution is to be converted into a bank of issue, with a capital stock not exceeding the amount of capital now actually paid in. This amount does not appear. The stock in November, 1846, was stated in the Auditor General's report to be \$62,500.00. The character of the institution is thus to be changed essentially, and the original design of its establishment is virtually abandoned. The limitation of the right to issue notes to the amount of the capital, is merely nominal; for it appears from the Auditor General's report, that the circulation of the banks is, with a very few exceptions, below the amount of their capital. The aggregate amount of the capital of the three banks in Pittsburg is \$2,555,510, while their circulation is only \$634,130. The bill, therefore, contemplates the creation of a new bank to all intents and purposes.

Savings institutions are said to have a beneficial effect in populous districts. They furnish encouragement to those whose gains are small, by receiving

their deposits and paying them a reasonable interest. An essential feature in most of them is this: the stockholders pay in a given sum of money, which, together with the deposits that are received, is loaned to customers by their officers. The increased interest received on deposits above the amount allowed, yields a profit which enables the institution to pay the current expenses and salary of officers, and thus the stockholders receive the legal interest upon their stock, and also the profits on deposits over the expenses, which profits, in some instances, are large. By this simple process the stockholders loan their money, and receive the legal interest or more, without trouble or expense, while they, at the same time, encourage industry and economy, by receiving small deposits, and paying for them a reasonable interest. But the object of this bill is to enable the stockholders in the Farmers' Deposit Bank, to issue notes to an amount equal to their capital, in order that they may receive a still greater interest upon the sums they have invested. The notes are to be issued for the advantage of the stockholders, not the depositors, and the whole system is to be changed.

With the provisions and privileges of a bank, this institution will have no stronger motives to pay interest upon small deposits than other banks have. If it is right to make the change in this case, it is right to convert all the savings institutions in the State which may desire it, into banks of circulation, and thus abandon savings institutions, which are regarded as beneficial to industrious and economical persons of small means. This presents a question upon which I entertain no doubt. I do not believe it to be the wish or the interest of the people to convert our savings institutions into banks; but in addition to these objections, the bill involves the policy of increasing the banking capital of the State, a policy which has



been so fearfully ruinous, and is so dangerous in its tendencies, as to demand the utmost care and deliberation in its adoption. That the restriction of the amount of banking capital has, among other causes, been essentially instrumental in securing to the people a comparatively sound currency, cannot be doubted. A change has been effected in the value of the circulation which has restored confidence, and is so beneficial in all business transactions, as to meet with general approbation. In my opinion, a state of things so desirable should not be exposed to jeopardy by any enactments tending, even in a remote degree, to unsettle the foundation upon which it rests.

If there is anyone duty of the government paramount to others, it is that of securing to the people an equal, permanent and sound currency; for no mischief can be more universally injurious than that which results from a fluctuating and depreciated circulating medium. I can perceive no reason for granting to this institution the right to issue bank notes, that will not apply to other deposit banks or saving institutions with equal force, and authorize the creation of entire new banks of issue.

If, therefore, I were to approve the bill before me, it would establish a precedent for the conversion of all our savings institutions into banks of issue, and for the creation of new banks of circulation all over the Commonwealth, which would not fail, in the end, to inflict upon the people all the evils of a redundant and depreciated paper currency, so recently experienced, and from the effects of which we have not yet entirely recovered.

I am therefore impelled, by the highest consideration of duty, to return the bill to the Senate, in which it originated, without my approbation.

FRS. R. SHUNK.

Executive Chamber,  
February 26, 1847.

To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, Feb. 27, 1847.

Gentlemen:—

**I** NOMINATE JEREMIAH M. BURRELL TO THE office of president judge of the tenth judicial district, composed of the counties of Westmoreland, Armstrong, Indiana and Cambria, to fill the vacancy which occurs on this day, by the expiration of the commission of Thomas White.

I also nominate John Stewart and John Clendenin, to be associate judges of the court of common pleas of Cumberland county, to fill the vacancies which will occur on the 28th inst. by the expiration of the terms for which John Stewart and Thomas C. Miller were commissioned.

FRS. R. SHUNK.

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To the Senate Nominating John Junkin to be an Associate Judge of the Court of Common Pleas for Perry County.

Executive Chamber,  
March 2, 1847.

Gentlemen:—

**I** NOMINATE JOHN JUNKIN FOR THE OFFICE of associate judge of the court of common pleas of Perry county, to fill the vacancy which will occur on the fifth instant, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

To the Senate Nominating David Fore to be an Associate Judge of the Court of Common Pleas for Bedford County.

Executive Chamber,  
March 2, 1847.

Gentlemen:—

**I** NOMINATE DAVID FORE FOR THE OFFICE of associate judge of the court of common pleas of Bedford county, to fill the vacancy which will occur on the eighth instant, by the expiration of the term for which Peter Schell was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating John W. Jenks to be an Associate Judge of the Court of Common Pleas for Jefferson County.

Executive Chamber,  
March 4, 1847.

Gentlemen:—

**I** NOMINATE JOHN W. JENKS FOR THE OFFICE of associate judge of the court of common pleas of Jefferson county, to fill the vacancy which has occurred by the resignation of Levi G. Clover.

FRS. R. SHUNK.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
March 6, 1847.

Gentlemen:—

**I** NOMINATE JOHN M. FORSTER, TO BE PRESIDENT judge of the court of common pleas of the fifteenth judicial district, composed of the counties of Chester and Delaware.

I also nominate Curtis Parkhurst, to be an associate judge of the court of common pleas of Tioga county, in the room of John Ryan, whose term of service expired on the fifth instant.

FRS. R. SHUNK.

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To the Senate Nominating George C. Welker to be an Associate Judge of the Court of Common Pleas for Northumberland County.

Executive Chamber,  
March 9, 1847.

Gentlemen:—

I NOMINATE GEORGE C. WELKER, FOR THE office of associate judge of the court of common pleas of Northumberland county, to fill the vacancy which occurred on the 5th instant, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Annul the Marriage Contract of Phoebe L. Howell and Robert L. Howell."

Gentlemen:—

I HAVE RECEIVED FOR APPROVAL "AN ACT to annul the marriage contract of Phoebe L. Howell and Robert L. Howell.

It seems in this case that the intemperate and improvident habits of the husband, and his bad example in his family, exhibited in his words and conduct towards his wife constrained her to abandon him in July last, and they have since lived separate. From these allegations it is not unreasonable to suppose



that the husband has offered such indignities to the person of his wife, as to render her condition intolerable, and life burthensome, and forced her to withdraw from his house and family, which is a cause for divorce provided for in the act of 1815.

Again, the policy of annulling marriage contracts when one of the parties is the victim of the degrading and ruinous vice of drunkenness, involves a grave, a doubtful and a very important question, which I do not feel authorized to decide, by affixing my signature to this bill.

The difficulty of this question is greatly magnified by the consideration that very many causes of complaint, which might, a few years ago, have presented reasons for annulling marriage contracts because of the intemperance of one of the parties have since, under the influence of the great moral of reform, which is in progress, been removed, and the parties restored to respectability and usefulness.

I have, therefore, with these my objection to its becoming a law, directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
March 12, 1847.

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To the Senate Declining to Transmit to that Body  
the Memorials Asking for the Re-appointment of  
a Certain Judiciary Officer.

Gentlemen:—

**I** HAVE RECEIVED A COPY OF A RESOLUTION  
adopted yesterday by the Senate, in the following words:

“Resolved, That the Governor be requested to transmit to the Senate all the memorials that may have

been presented to him, purporting to be signed by citizens of the tenth judicial district, asking for the re-appointment of the Hon. Thomas White, as president judge of said district."

The high respect I entertain for the Senate, and my regard for that courtesy which should always distinguish the conduct of public functionaries towards each other, render it painful for me to decline any respectful request of that body.

The official term of the Honorable Thomas White, as president judge of the tenth judicial district, expired on the 27th of February last, and it became my duty, under the Constitution, to nominate a person to fill the vacancy. That duty I have performed, by the nomination of a gentleman whose legal learning, acquirements and moral character, I am abundantly satisfied, eminently qualify him to perform the duties of the station with honor to himself and advantage to the people of the district.

Several other gentlemen were named and recommended for the office. The memorials in favor of Mr. White, and which have been requested by the Senate, were numerous signed; but, for reasons entirely satisfactory to myself I declined to nominate him, and I can perceive no more propriety in sending his recommendations to the Senate, than those of any other gentleman whose name has not been submitted by the Executive to that body.

It is certainly the Constitutional right, as well as the duty of the Senate, to inquire into the legal, mental and moral fitness of the nominee; but this does not include the right to enter upon an examination of the recommendations of the various persons whose names may have been submitted to the Governor, with the view, not of deciding upon the merits of the nominee, but of determining whether some other person, in the estimation of the Senate, should not have been

preferred. This involves a right upon the part of the Senate, to pass judgment upon the exercise of a discretionary power, vested by the Constitution exclusively in the Executive; a power which he has exercised in the present instance, and for the exercise of which he is, in my opinion, accountable only to the people.

I may add that there are many communications, oral and written, of a private and confidential character, made to the Executive in reference to appointments, which, by the relation he holds, and the confidence which should subsist between him and the people, are excluded from publication, with the same propriety as the private letters to Senators upon general subjects. It therefore follows, that if the public memorials and recommendations, in any case, are alone exhibited, they would present a very imperfect view of it.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, March 12th, 1847.

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To the Assembly Vetoing "An Act Incorporating the Farmers' and Mechanics' Bank, to be Located in the Borough of Erie."

Gentlemen:—

THE BILL ENTITLED "AN ACT INCORPORATING the Farmers' and Mechanics' Bank, to be located in the borough of Erie," having been passed by both branches of the Legislature, has been presented for my approbation.

Perhaps all will agree that there is no subject committed to the control and superintending care of government, which affects more deeply the interests of society, both in its moral and pecuniary relations, than the currency—the representative of the value of the

labor and property of the people. While its controlling influence extends to all, it is especially felt by those who depend upon the proceeds of their daily toil for subsistence. Paper money has no intrinsic value. It is only the evidence of a promise to pay, and its worth depends entirely upon the fidelity with which the promise is redeemed. The ingenuity of man has not yet discovered, and I apprehend never will discover, any system by which the manufacturing of bank paper can be made to add to the substantial wealth of a nation, or by which it can be made to pass at par, when dishonored by a refusal to redeem it in gold or silver. It is at best but a convenience, and one for which the mass of the industrious and producing citizens pay a most onerous tax. It is however to interwoven with our habits and business, that many think it cannot be dispensed with. I have, therefore, since my induction to office, not aimed at the destruction of the system, but my desire has been to prevent its extension, and to correct the evils attendant upon it as far as seemed practicable.

The middle aged, and those more advanced in life, of the good people of Pennsylvania, well recollect the scenes of speculation, ruin and demoralization, that followed in the train of the banking system of 1814, which was forced upon the State by a reckless and infatuated spirit of gambling, in defiance of the veto and the sage advice of that wise and prophetic statesman, Simon Snyder, whose memory is dear to the people. And who is there among us, that cannot bear testimony to the evil effects upon the moral, political and pecuniary interests of the community, of the late excessive banking and speculation, produced by the re-charter of the Bank of the United States, and the extension of the capital and privileges of other institutions that have exploded, leaving as memento of their existence, ruined reputations, destruction of pri-



vate fortunes, beggared widows and orphans, the State debt nearly doubled, the currency depreciated, and honest labor cheated out of its just reward. From the effects of this vicious policy, the people have not yet recovered, nor can they for years to come. The interest of the augmented State debt being one of the consequences of this policy, must be annually provided for; besides, the relief notes another offspring of it, must be endured until our resources enable us to cancel them. With these facts before us, should we not pause, and learn lessons of wisdom and prudence from the experience of the past?

The capital of the bank proposed to be established by the bill under consideration, it is true, is only fifty thousand dollars, but no reason is perceived for creating another bank in Erie, which will not warrant the establishment of new banks in many other parts of the Commonwealth. The creation of this bank, therefore, would sanction the commencement of another extension of the system, tending directly to all the ruinous consequences that have attended excessive issuing of paper currency, in all countries and in all ages, and of which the people of this Commonwealth have had such lamentable experience.

I am, therefore, constrained by a conscientious sense of duty, to adhere to the policy which I have heretofore indicated, of limiting the capital of the banks of issue to the present amount; and, as their respective charters expire, if they are found worthy of renewal, to impose such restrictions upon them as are calculated to restrain excesses, and protect the people against the mischiefs the system has heretofore produced.

The country is now in a highly prosperous condition. Exchanges are greatly in our favor; specie is flowing in upon us in abundance, and the currency compared with its condition a few years ago, is sound.

We should, therefore, guard with extreme caution against the introduction or extension of any system of policy, calculated to disturb this healthy and desirable state of things. It is only by an inflexible adherence to sound principles, regardless of importunities and arguments of expediency and convenience, that we can hope to avert the recurrence of all the mischiefs attendant upon excessive banking, and perpetuate the present substantial prosperity of the people.

Entertaining these sentiments, I have directed the bill to be returned without my signature, to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
March 13th, 1847.

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To the Senate Nominating Samuel A. Gilmore to be  
President Judge of the Tenth Judicial District.

Executive Chamber,  
March 15, 1847.

**I** NOMINATE SAMUEL A. GILMORE, FOR THE office of president judge of the tenth judicial district, composed of the counties of Westmoreland, Armstrong, Indiana and Cambria, to fill the vacancy which occurred on the 27th of February last, by the expiration of the commission of the Hon. Thomas White.

FRS. R. SHUNK.

To the Senate Nominating Joseph Morse to be an Associate Judge of the Court of Common Pleas for McKean County.

Executive Chamber,  
Harrisburg, March 15, 1847.

**I** NOMINATE JOSEPH MORSE, TO BE AN ASSOCIATE judge of the court of common pleas of McKean county, to fill the vacancy which has occurred in consequence of the resolution of this day, that the Senate do not advise and consent to the appointment of John Holmes, to be an associate judge of the said county.

FRS. R. SHUNK.

To the Assembly Vetoing "An Act Incorporating the Cumberland Valley Bank."

Gentlemen:—

**T**HE BILL ENTITLED "AN ACT INCORPORATING the Cumberland Valley Bank," has been presented for the Executive approbation. It proposes the establishment of a bank in the borough of Carlisle, in the county of Cumberland, with a capital of one hundred and fifty thousand dollars.

There is no subject upon which the convictions of my mind are more clear and decided, than in regard to the danger there is to be apprehended at the present time, from an extension of the capital and increase of the number of our banks of issue. It seems almost incredible, that while we are yet lingering on the borders of a most disastrous revulsion produced by excessive banking, and while its evils and the evidence of its blighting influence are fresh in the public recol-

lection, applications for new banks should be made and urged with so much zeal. In considering this subject in all its bearings, with the view of making out a rule of action for the government of my official conduct in regard to it, that might mitigate the evils of the system without aiming at its destruction, I came to the conclusion, that banks of issue and banking capital, ought not under existing circumstances be increased, and that in the renewal of the charters of well conducted banks, such wholesome restrictions and limitations should be imposed, as would at least have a tendency to protect the people against a recurrence of the aggravated mischiefs they have heretofore produced. In accordance with this rule I approved an act of the 14th of April, 1845, to extend the charter of the Carlisle Bank—of the acceptance or rejection of this act by the stockholders, I have received no official information, though it is said that it has not been accepted.

On the 18th of April, 1846, I approved an act incorporating the Carlisle Deposit Bank, with a capital that might be extended to one hundred thousand dollars. This bank has not been put into operation. Hence it seems that the necessity for a bank at Carlisle cannot be very pressing. Be this as it may, I am thoroughly persuaded that the increase of our banking capital, and the consequent expansion of the currency, will have the direct tendency to destroy our present prosperity, founded as it is upon habits of prudence, care and economy, and to substitute a course of wild speculation carrying in its train ruin and depression.

I have more fully expressed my sentiments upon this subject in the objections to the bill for incorporating the Farmers' and Mechanics' Bank of Erie, returned to the Senate on the 13th instant, to which I beg leave respectfully to refer.



With these objections, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, March 15, 1847.

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To the Assembly Vetoing "An Act to Annul the Marriage Contract Between Samuel K. Austin and Susan, his Wife."

Gentlemen:—

I HAVE RECEIVED THE BILL, ENTITLED "AN act to annul the marriage contract between Samuel K. Austin and Susan, his wife."

Proof is exhibited in this case of the indolence, inactivity and intemperance of the husband, and of his profligate and improvident habits, but it was taken without giving him notice of the time and place, and affording him an opportunity to cross-examine witnesses and produce testimony in his favor. Without deciding the question whether the cause assigned is sufficient to annul the marriage contract, I am constrained to withhold my signature from the bill, because the husband, whose civil rights are to be affected, had not the reasonable notice of the proceeding to which he was entitled. It is therefore returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
March 15, 1847.

To the Senate Nominating Benjamin Champneys to be President Judge of the Fifteenth Judicial District.

Executive Chamber,  
Harrisburg, March 16, 1847.

Gentlemen:—

I NOMINATE BENJAMIN CHAMPNEYS TO BE president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware, the Senate having, by resolution of the 15th instant, informed me that they do not advise and consent to the appointment of John M. Forster, to be president judge of said district.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Annul the Marriage Contract of Emma M. G. Frontin and Jules Antoine Frontin."

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO ANNUL the marriage contract of Emma M. G. Frontin and Jules Antoine Frontin," is before me, without any reason upon its face, or any accompanying proofs to show that it should become a law. By affixing to it my signature, I sanction a decree of divorce, affecting essentially the civil rights of the parties; an act, which under the circumstances, I am unwilling to perform. It is, therefore, returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
March 16, 1847.

To the Senate Nominating James Nill to be President  
Judge of the Fifteenth Judicial District.

Executive Chamber,

March 16, 1847.

**I** NOMINATE JAMES NILL, FOR THE OFFICE  
of president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware; Benjamin Champneys, who was nominated, and approved by the Senate, having declined to accept the office.

FRS. R. SHUNK.

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To the Senate Nominating Wilson M'Candless to be  
President Judge of the Tenth Judicial District.

Executive Chamber,

March 16, 1847.

**I** NOMINATE WILSON M'CANDLESS FOR THE  
office of President Judge of the tenth judicial district, composed of the counties of Westmoreland, Armstrong, Indiana and Cambria, to fill the vacancy which has occurred by the expiration of the term for which the Hon. Thomas White was commissioned.

FRS. R. SHUNK.

Proclamation Granting the Right of Way from Harrisburg to Pittsburg to the Pennsylvania Railroad Company and annulling a Right of Way Previously Granted to the Baltimore and Ohio Railroad.

Pennsylvania, ss:

[Signed] Frs. R. Shunk.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of the Commonwealth of Pennsylvania. By FRANCIS R. SHUNK, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas by an act of the General Assembly passed at the session of 1846 entitled "An act to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio River at the City of Pittsburg" approved the twenty-first day of April one thousand eight hundred and forty-six it is thus contained "And provided also That this act shall not go into effect before the thirtieth day of July, eighteen hundred and forty-seven; and if the Legislature during its present Session should pass an act incorporating a Company with authority to construct a railroad from Harrisburg to Pittsburg, within the limits of this State and three millions of dollars should be bona fide subscribed to the stock of said Company and ten per cent on each share be actually paid in, and letters patent be issued by the Governor in conformity to the provisions of said act within one year from the passage thereof; and if thirty miles or more of said railroad should be put under contract for construction, and satisfactory evidence thereof be furnished to the Governor on or before the said thirtieth day



of July Eighteen hundred and forty-seven, then in that case the Governor shall issue his proclamation setting forth that fact; and thereupon this act granting the right of way to the Baltimore and Ohio Railroad Company, to extend their road through this State to the Ohio River at Pittsburg, shall be null and void, otherwise to remain in full force and virtue. Provided however That the preceding proviso shall be of no force or effect, unless the stockholders of the said Pennsylvania Railroad Company shall pay into the treasury of said Company, one million of dollars on account of stock subscribed on or before the thirtieth day of July one thousand eight hundred and forty-seven; And Provided further That at least one-half of the portion of the railroad of the said Company, which is hereinbefore required to be put under contract for construction before the said thirtieth

## DOCUMENTS RELATING TO THE PROCLAMATION.

Office of the Pennsylvania Rail Road Company,  
Philadelphia, July 26th, 1847.

To his Excellency,

Francis R. Shunk, Governor of the Commonwealth of Pennsylvania:  
SIR:

I hereby certify, that the sum of One Million of Dollars has been paid into the Treasury of the Pennsylvania Railroad Company, and that Fifteen Miles of said road, extending West from Harrisburg, and Fifteen Miles of said road extending East from Pittsburgh, have been put under contract for construction, agreeably to the provisions of An Act of the Assembly, Entitled "An Act to authorise the Baltimore and Ohio Rail Road Company to construct a rail-road through Pennsylvania, in a direction from Baltimore to the Ohio River, at the City of Pittsburgh."

Witness my hand and the Seal of the Corporation, this Twenty Sixth day of July, One thousand, Eight Hundred and Forty Seven.

S. F. MERRICK,  
President.

Office of the Pennsylvania Rail Road Company.

I certify that there has been paid into the Treasury of the Pennsylvania Rail Road Company, upon the Capital Stock of said Corporation, the sum of One Million, Two Thousand, Nine Hundred and Ninety Dollars.

Witness my hand and the Corporate Seal of the Company, hereunto affixed, this Twenty Fourth day of July, A. D. One Thousand, Eight Hundred and Forty Seven.

GEO. V. BACON,  
Treasurer Pennsylvania Railroad Company.

State of Pennsylvania,  
City of Philadelphia.

Before me, the Subscriber, One of the Aldermen of the City of Philadelphia, and Ex-Officio Justice of the Peace, appeared the above named,

day of July one thousand eight hundred and forty-seven, shall be at the western terminus thereof, commencing at the City of Pittsburg and extending eastwardly." And whereas at the same session An Act was passed and approved the thirteenth day of April one thousand eight hundred and forty-six entitled An act to incorporate the Pennsylvania Railroad Company" with authority to construct a railroad from Harrisburg to Pittsburg within the limits of this state. And whereas three millions of dollars were bona fide subscribed to the stock of said Company and ten per cent thereon actually paid in, and Letters Patent were issued by the Governor of this State on the 25th day of February, 1847 under his hand and the Great Seal of State, constituting the subscribers to the stock of said Company and such as might thereafter subscribe according to the provisions of said act a body politic and corporate in deed and in law by the name style and title of "The Pennsylvania Rail Road Company." And whereas satisfactory evidence has been furnished to me by the said Company that One million of dollars on account of the stock subscribed, has been paid into the treasury of the Company and also that thirty miles of said Railroad has been put under contract for construction, and that one-half of the portion so put under contract is at the western terminus of the said road commencing at the City of Pittsburg and extending eastwardly.

I do therefore in pursuance of the Provisions contained in the said act approved the 21st day of April,

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George V. Bacon, personally known to me, as the Treasurer of the Corporation, above named, The Pennsylvania Rail Road Company, who being duly affirmed, according to Law, did depose and say that he executed the above Certificate as Treasurer of said Corporation, and that the above impression, is the Common Seal of said Corporation, thereto duly affixed, and that the contents of said Certificate are just and true.

GEO. V. BACON.

Affirmed to and Subscribed on this Twenty Fourth day of July, A. D. 1847, before me.

CHAUNCEY BURNES,  
Alderman.

1846, entitled. "An act to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania in a direction from Baltimore to the Ohio River at the City of Pittsburg" issue this my Proclamation setting forth the above recited facts, and hereby make known, that the last recited act granting the right of way to the Baltimore and Ohio Railroad Company to extend their road through this State to the Ohio River at Pittsburg is null and void.

Given under my hand and the Great Seal of State at Harrisburg this Twenty-seventh day of July in the year of our Lord one thousand eight hundred and forty-seven, and of the Commonwealth the Seventy Second.

By the Governor.

J. Miller,

Secretary of the Commonwealth.

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### Annual Message to the Assembly—1848.

Gentlemen:—

NO ORDINARY REASONS FOR THANKFUL-  
ness to the Great God, crowd themselves upon the Representatives of the people, at this annual meeting. Abundance during the past year, has been the reward of honest industry, in every pursuit of the citizens. Animated with health and encouraged by success, they have steadily progressed in the accomplishment of their destiny, and while enterprize has been highly favored in the development of our great resources, the elevating purposes and life of social organization, religion, morality, education, refinement and civilization, have been cherished and advanced.

Although peace and tranquility have reigned within the borders of this State, we are identified with,

and deeply interested in the War with Mexico, in which the nation is engaged—a war which the prudence, forbearance, and desire of the people, to retain friendly relations, could not avert; and which was eventually forced upon us, by the duty that rests upon every well regulated movement, to protect the rights of its citizens, and maintain the honor of the nation.

Our religion, our interests, and our institutions, are essentially peaceful. The people hold in their hands the sovereignty of the nation, and exact from their rulers obedience to their will. By their controlling influence, they sanction and preserve the cardinal policy of maintaining amicable relations with all other nations. By them the rights of American citizens, in all parts of the world, and the honor of the nation, are held sacred. Violations of these national rights and national honor, appeal to the justice, and invoke the power of the whole people for their vindication. The war of 1812, with England, and the existing war with Mexico, are illustrations of this distinguishing feature in the character of the American people. Patient of injury while wrongs are sufferable, and reasonable hopes of a return to amicable relations, upon equitable principles, can be entertained, yet no nation may, with impunity, violate the obligations of treaties, or break faith with the United States.

In defence of these just rights, the power of this people is resistless. Every citizen holds himself responsible, and the army springs into existence, not by conscriptions, or contracts for enlistments, but by the voluntary impulse of independent freemen, animated by patriotism and urged onward to deeds of heroic valor, by the approbation of the whole nation. This invincible spirit, guided by the science and skill of the officers, has led our armies in Mexico, from one victory to another, and from one great triumph to



a greater, and will lead them still onward, until a permanent and honorable peace is secured. While the honest pride of every American is gratified, by the great achievement of our soldiers, his confidence in our free institutions, and in the means to defend and preserve them, is strengthened.

In the support and prosecution of the war in which we are engaged, Pennsylvania has given token of her ancient and uniform fidelity to liberty and the honor of the nation. Her volunteers were among the first to tender their services, and in every encounter with the enemy, have magnified the military fame of the Commonwealth, by deeds of romantic chivalry and noble daring. In these great achievements, many of our heroes have fallen in a foreign land. The moans of the winds of Heaven, in passing through the long grass on their graves, are re-echoed by the sighs of their friends in the Fatherland, and the sad requiem is a just tribute to their sufferings and their valor.

The finances and credit of the State—the amount and condition of the public debt, and the means of reducing it, are among the objects which claim the first attention of the representatives of the people.

The amount of the public debt, on the

1st of December, 1846, was ..... \$40,789,577 00

On the 1st of December, 1847, it was,  
according to the report of the Auditor  
General, as follows, viz:

#### Funded Debt.

|   |                |
|---|----------------|
| 6 per cent. stocks, .....                     | \$1,752,335 06 |
| 5 do. do. ....                                | 37,267,990 37  |
| 4½ do. do. ....                               | 200,000 00     |
| Relief issues in circula-<br>tion, .....      | 931,664 00     |
| Interest certificates out-<br>standing, ..... | 353,956 43     |

|                                     |           |               |
|-------------------------------------|-----------|---------------|
| Interest certificates un-           |           |               |
| claimed, .....                      | 4,448 38  |               |
| Interest on outstanding             |           |               |
| and unclaimed certifi-              |           |               |
| cates, at $4\frac{1}{2}$ per cent., |           |               |
| to 1st August, 1845,                |           |               |
| time of funding, .....              | 22,459 80 |               |
| Domestic creditors, ...             | 96,095 47 |               |
| Total, .....—                       |           | 40,628,949 51 |

Being ..... 160,627 49

less than it was on the 1st December, 1846. This payment or reduction of the debt, within the last financial year, was effected by the cancellation, at the Treasury, of one hundred and fifty thousand dollars of the relief issues, and by the receipt of State stocks in payment of old debts, which is allowed in certain cases by law. There would have been two hundred thousand dollars of the relief issues cancelled, within the year, in accordance with the requirements of the law, but the payment of the interest which fell due on the 1st of February last, left the Treasury so much exhausted, that the amount which should have been cancelled on the 31st March, was not then on hand. It will be recollected that it became necessary to anticipate a portion of the means of the year, by a loan of two hundred thousand dollars, to meet the interest which fell due on the 1st of February.

|   |              |
|---|--------------|
| The balance in the Treasury, on the 1st |              |
| December, 1846, was .....               | \$384,678 70 |
| The receipts into the Treasury, during  |              |
| the financial year ending the 30th      |              |
| Nov., 1847, from all sources, includ-   |              |
| ing the loan of \$200,000 above re-     |              |
| ferred to, were, .....                  | 3,977,025 89 |

Making an aggregate of ..... 4,361,704 59

The payments made out of the Treasury, during the same period, including the re-payment of the loan of \$200,000, were ..... 3,680,813 74

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Leaving the balance in the Treasury, on the 1st Dec., 1847, ..... 680,890 85

Being \$296,212 15 more than it was on the 1st Dec., 1846.

The estimated amount of available outstanding taxes, on the 1st Dec., 1847, was ..... 548,881 00

And the estimated amount of the same, on 1st Dec., 1846, was, ..... 542,688 64

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Which exhibits an increase, on this item, of ..... 6,192 36

To which add the increase of the balance in the Treasury, of ..... 296,212 15

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And we have the sum of ..... 302,404 51

as the aggregate increase of the balance in the Treasury, and of outstanding taxes on the 1st Dec., 1847, over the same items on the 1st Dec., 1846.

This calculation shows, that the revenues assessed and accruing, within the financial year, ending on the 30th Nov. last, were not only adequate to meet the demands upon the Treasury, within the year, but exceeded them by the sum of three hundred and two thousand four hundred and four dollars and fifty-one cents, as above stated, and if to this sum be added the amount of the debt paid within the year, to wit: one hundred and sixty thousand six hundred and twenty-seven dollars and forty-nine cents, we have the sum of four hundred and sixty-three thousand and

thirty-two dollars, as the excess of the revenues accruing within the year, over the payment of the interest on the public debt, the expenses of the government and the other ordinary demands upon the Treasury.

This presents a very encouraging view of the improving condition of the finances of the State. It is the first time, since the commencement of the internal improvement system, that the permanent revenues accruing within the year, unaided from any other source, have exceeded or been equal to the demands upon the Treasury. It is true, the interest upon the funded debt, and other claims upon the Treasury, during the two preceding years, including the payment of a portion of the public debt, by the cancellation of relief notes, were punctually paid; but, in doing this, the balance which had accumulated in the Treasury, on the 1st Dec., 1844, by the previous suspension of the payment of the interest on the public debt, for two and one half years, as well as the amount of taxes then outstanding, were diminished each year, until the last, as is particularly explained in my annual messages, in 1845, and 1846, to which you are respectfully referred.

An estimate of the receipts and expenditures, of the current year, made with much care, and upon consultation with the other officers of the government, is hereto appended, by which it appears, that the estimated amount of receipts into the Treasury, from all sources, for the financial year, ending on the 30th November, 1848, is ..... \$3,921,900 00

And the estimated amount of expendi-

tures, for the same period, including  
the cancellation of \$200,000 relief

notes, is ..... 3,576,390 00

Which exhibits an estimated excess of  
receipts over expenditures, of .....

345,510 00



To which add the estimate for the cancellation of relief notes, which are a part of the public debt, .....

200,000 00

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And we have the sum of ..... 545,510 00  
as the estimated excess of receipts, of the current financial year, ending on the 30th November next, over the payment of the interest on the public debt, and the current demands upon the Treasury.

These estimates, when taken in the aggregate, I consider entirely safe and reliable. During the last few years, the actual results have been more favorable to the Treasury. than were anticipated by the estimates.

Notwithstanding the extraordinary floods, which occurred during the past year, the consequent damage to the public works, and the interruption of the trade upon them, for about two months, the tolls taken by the collectors, within the year, according to the report of the Canal Commissioners, amounted to the sum of one million five hundred and eighty-one thousand five hundred and seventy-five dollars and eighty-seven cents, being two hundred and eighty-six thousand eighty-one dollars and eleven cents, more than was taken in the preceding year, and exceeded the estimate made for the last year, near one hundred thousand dollars. Had no unusual interruption of business occurred, the amount taken would certainly have reached eighteen hundred thousand dollars.

The estimate of canal and railroad tolls, for the current year, is seventeen hundred thousand dollars, which, there is good reason to believe, is rather below than above the amount which will be received. The expenses of repairing the damages to the public works, by the floods of the past year, will principally fall upon the current year. They are, however, in-

cluded in the estimate of the expenses of the year, and will not affect the results presented in the preceding calculations.

The amount of relief issues in circulation, on the 1st December last, was nine hundred and thirty-one thousand, six hundred and sixty-four dollars, of which fifty thousand were cancelled at the Treasury, on the 31st of December, leaving eight hundred and eighty-one thousand, six hundred and sixty-four dollars, still outstanding. The means of the Treasury, it is believed, will be adequate to the cancellation of the whole amount now in circulation, within the present and succeeding year. Many of them are so defaced, as to be almost illegible, and are unfit for circulation; besides they vitiate the currency, and furnish an excuse for the use of small notes from other states, in violation of law, and lessen the circulation of gold and silver among the people. Justice to the public creditors, who are compelled to receive them in payment of their interest, when they are below par, as well as to the people at large, imperatively demands that they should be taken out of circulation as soon as practicable. I therefore recommend the passage of a law, allowing such of the banks as have issued these notes, to fund them at a rate of interest not exceeding six per cent. per annum, payable semi-annually, and that all the surplus means in the Treasury, beyond the payment of the interest on the public debt, and the current expenses of the government, be applied, first, to the redemption or cancellation of those that may remain in circulation, as they come into the Treasury, and then to the payment of the amount funded by the banks.

The resources of the Treasury will be sufficient to cancel all that may be received in payment of dues to the Commonwealth, and to pay the banks the amount funded within two years. By this process,

should the banks agree to fund any considerable portion of them, they may all be taken out of circulation within the present year. It may be urged, that as these notes do not now bear interest, they ought not to be converted into a debt on which interest will be payable. This, however, is but a superficial view of the subject. There is no longer any excuse for a continued violation of the public faith, by the payment of the public creditors, in a depreciated currency, and the small amount of interest which will have to be paid, if the banks agree to fund a portion of these notes, will be more than compensated by relieving the character of the State from the continuation of this act of injustice, and the people from the losses incident to a depreciated circulation. This currency had its origin in an evasion of the Constitution, and ought to be blotted out of remembrance. It may now be safely assumed, that we have reached a period, in our financial history, when the permanent revenues of the Commonwealth exceed, annually, the interest on the public debt, and the ordinary demands upon the Treasury, by at least half a million of dollars. And this excess, it is confidently believed, may, by a judicious revision and amendment of the revenue laws—a prudent and economical course on the part of the legislative and executive departments of the government, and the faithful management of the public works, be augmented in a few years to one million of dollars, as a sinking fund, without increasing the burdens of those who now pay their taxes, on a full return and fair valuation of their taxable property. This sum applied semi-annually, with its accruing interest, to the redemption of the five per cent. state stocks, at par, would discharge upwards of sixteen millions, four hundred thousand dollars, of the debt in twelve years, and reduce it at the end of that time, to twenty-three millions. It is believed that all the relief issues

will be redeemed and cancelled, by the year one thousand eight hundred and fifty, and if the operations of the sinking fund are then commenced, on the funded debt, the result thus anticipated, will be realized in the year one thousand eight hundred and sixty-two, at which time, there is good reason to believe, the net income from the public works, will be more than sufficient to pay the interest on the balance of the public debt, and thereby relieve the people from all further direct taxation for this purpose. Some may view this proposition as visionary, and delusive, but I regard it as entirely practicable, under a wise and prudent administration of the affairs of the State. The augmenting trade upon our public works, and the consequent increase of business in our commercial and manufacturing cities and towns, and the increase of population and taxable property, within our limits, cannot fail, under a proper enforcement of the revenue laws, to add to the means of the Treasury every year. If, however, this great object is to be effected, the public revenues must not be diverted to other purposes, and the most rigid economy, and the strictest accountability, of the public agents, must be required and enforced. It is among the first, and highest duties, of those entrusted with the administration of the government, to adopt the most efficient means, under existing circumstances, to increase public confidence and guard against the good faith of the State being ever again called in question—to reduce the public debt, and relieve the people from perpetual taxation, to pay interest—I therefore feel impelled by a sense of duty, to renew the recommendation contained in the last annual message which is in these words: "In connection with this subject, I respectfully recommend to the General Assembly, the propriety and policy of proposing to the people, an amendment to the Constitution of the State, under the form of the 10th arti



cle of that instrument, by which the income from the public improvements, after deducting the necessary expenses for repairs and superintendence—the revenue arising from the State tax on real and personal property, for a certain period, and such other items of income as it may be deemed expedient to include, shall be set apart and sacredly pledged, for the payment of the interest upon the public debt, and the gradual liquidation of the principal. Such an amendment, judiciously arranged, would, I apprehend, meet with the decided approbation of the people of the Commonwealth. It would concentrate public sentiment upon a fixed object—remove all doubt of the fullness of the public credit, and lay the foundation of the final extinguishment of the public debt. It would give an additional security and assurance to the people, and to the public creditors, that, in no event, could the public revenue be diverted from its legitimate object, and would furnish conclusive reasons, for the prompt and cheerful payment of the taxes.”

The inequality of taxation, arising from large quantities of property subject to tax under existing laws, escaping assessment, and the unequal valuation of that which is assessed, continues to be a subject of just complaint. I am well aware there are inherent difficulties connected with the subject, but still the experience of the operation of the system, and the defects which have become apparent, will point out some remedies for the grievances which exist, and which should be adopted. I therefore most respectfully invite the attention of the General Assembly, to a thorough examination of the subject. Whatever just amount of taxation one man escapes by an evasion, or imperfect execution, of the law, is an imposition and fraud upon his neighbor, who makes a full return of his property, and pays a tax upon a fair valuation. There are no subjects more intimately

connected with, or which have a more direct influence upon the interests of the country, than the currency and the banking system.

There is good reason to believe, that the prosperity of the people of the United States, particularly those connected with the agricultural interests, has been promoted by the removal, on the part of the British government, of the high duties upon our exports of grain, and other agricultural productions, and the modification of our own tariff, by which the commercial exchanges of the two countries have been greatly augmented, without affecting, injuriously, so far as I am informed, any of the great manufacturing interests, or other industrial pursuits of our people.

Other causes, in combination with those alluded to, have produced a large influx of specie into the United States, during the past year, which has gone into active circulation, among the people, or found its way into the vaults of the banks. This increase of the precious metals, while it should dispense, in a great degree, with the use of paper currency, has a tendency to increase it, by enlarging the means of the banks to extend their issues. The effect of which, if encouraged, will be to promote speculation, and over-action in every department of business, and thus make the present substantial prosperity of the people, the means of producing adversity and depression. The operations of the Constitutional Treasury have had, and no doubt will continue to have, a most salutary influence, in restraining the tendency to excessive banking, by keeping the public revenues out of the vaults of the banks, and compelling them to be prepared to redeem their notes, and furnish specie, to meet the wants of those who have customs, and other dues, to pay to the government.

Although the restraining influence of this great measure, upon the banking system, is most beneficial,

still it does not dispense with the necessity of caution and prudence, on the part of the states, in every thing pertaining to banking and paper circulation. Modern discriminating duties, with a sound currency, limited to the specie standard, may be regarded as the natural and healthy condition of a country, by which the just rewards of labor are secured, and all the great interests of the people advanced, while high duties and a redundant paper currency operate as unnatural stimulants, and create apparent but delusive prosperity.

Nothing can contribute so much to the maintenance of our present prosperity, as a sound currency. Pennsylvania is rich in productions of almost every description required by the wants of mankind and nothing is necessary to make her people the most independent in the world, but a proper regard for her true interests. To advances these, she must not be seduced from her devotion to sound principles, by the artificial contrivances of false economists, whose selfish theories are as delusive as they are destructive of the public good.

The present is a most propitious period, when there is an abundance of gold and silver in the country, to make a determined effort to increase its circulation, and to secure to the people the currency which the wisdom of the framers of the Constitution of the United States provided. Instead of creating new banks, or increasing the capital of old ones, our efforts should be directed to secure the solvency of those which already exist, and thereby render their circulation sound and reliable.

Impressed with the force of these considerations, I am convinced that the increase of the banking capital of the State, would be unwise and impolitic; and I respectfully recommend, that before any one of the existing banks is rechartered, a searching scrutiny be instituted into its affairs, its management, its credit, and its means; and if it be found that the notes have

been suffered to depreciate;—that the accommodations have been bestowed upon favorites, and large speculators and dealers in money, instead of being diffused among moderate and safe customers; that the issues have at one period encouraged speculations by their excess, and at another oppressed honest industry, by their contraction; in short, that the legitimate objects for which the privileges were granted, have not been by fair, faithful and judicious management accomplished, then the charter should be suffered to expire by its own limitation. The discontinuance of such institutions will promote the public good, and will be hailed with approbation by all but those who have, for private gain, wrested them from the purpose for which they were established.

This policy, so just towards the public, while it may, to a moderate extent, diminish the present amount of banking capital, will strengthen public confidence in the other banks, and add to the stability and soundness of the currency. And as it may, also, increase the profits of existing banks, beyond a just compensation to the shareholders for their investments, and as this excess of gain is derived from the special privileges conferred upon them by the Legislature, I recommend, that the tax imposed by the act of the 1st April, 1835, upon dividends exceeding six per cent. per annum, be increased. While the inducement to excessive banking will be reasonably checked, by the increase of this tax, the finances of the State may be, to some extent, improved, and the public welfare promoted. The policy indicated, will lead to the rigid execution of the law prohibiting the circulation of foreign notes, under the denomination of five dollars, as soon as the balance of the relief issues is cancelled. This will be a positive advance in the improvement of the currency, which should be then followed by a law prohibiting the circulation of all notes, below the



denomination of ten dollars. The channels of circulation will then be filled with an abundance of gold and silver, the public secured against the chances of loss by broken banks, and a depreciated currency; and the way will be opened to such further improvements, as the real interests and convenience of the people may demand.

The cautionary enactments I have suggested, cannot fail to increase, rather than diminish, the amount of a sound circulating medium, fully entitled to the public confidence. The effect will be to bring the specie of the country into active circulation, to furnish the people with a substantial currency, that cannot be impaired by bank failures, and to restrain the tendency of the banks to foster extravagance, in time of prosperity, and check the means of oppression in time of adversity.

A theory has been advanced and put into practice, in some of the States, called FREE BANKING. It is based, in part, upon specie, and in part upon State stocks, hypothecated with the government. In other words banks become the creditors of the Commonwealth, by purchasing her bonds; these are deposited with the government, and the government endorses, and returns to the bankers, notes prepared for circulation at an equal amount. I can perceive no grounds for confidence in this system. It must explode, in a country where it is adopted to any considerable extent, whenever a revulsion occurs to test its stability, for it is a deviation from true principles. Sound and safe banking can only be based and conducted on money, gold and silver. Neither individuals nor banks can lend that which they have not; and if they lend credit in the shape of bank notes, without the means to redeem them in gold and silver, they commit a fraud upon the community, as they lend, and put in circulation, that which is not money nor the representative of money.

If this system of converting State stock into banking capital, and hypothecating it as a security for the payment of bank issues, were not a delusion, mortgages upon real estate, might be used for the same purpose, which would afford an equal if not a better security for the payment of the notes, and by this process, the whole value of the real estate of the country, might be converted into banking capital, and the people into a nation of bankers. This proposition shows, that the whole scheme is illusory and unsound.

Free banking, in its legitimate sense, is the right which every man enjoys to lend his own money to whom he pleases. It is the exchange of money for securities, to repay with interest. It involves no fictitious increase of the circulation, but may be carried on to an indefinite extent without affecting the currency. This is the free banking, which has at all times supplied, and does now supply, the wants of a large proportion of borrowers, and commends itself to general confidence and approval by its simplicity and adaptation to the circumstances of the people.

The policy of incorporating mining, manufacturing, transporting and other companies, for purposes appropriately within individual competency, has been fairly discussed; and, guided by the unerring demonstrations, that these enterprizes are most successfully and beneficially conducted, under the control of individual responsibility, the public opinion has been expressed in the spirit of the age in which we live, against the policy.

While all the great departments of business in the Commonwealth are prosperously conducted, under free and equal competition, there are yet some men, who seem to stand still, while the world is going onward around them, and who cherish the antiquated notion, that the timid, contracted and selfish aggregation of wealth, under the protection of corporate

privileges, is preferable for the transaction of business, to the free, ardent and bounding capabilities of individual enterprize:—a power which, since William Penn arrived on these shores, in 1682, has changed an immense wilderness into fruitful fields, and has, in this march of civilization and improvement, provided for the wants, the comforts, the education and refinement, of two millions of free people. What have corporations done in this great achievement? Where are the trophies of their generous spirit, their value or their utility? They are behind the times—they belong to an age that is past. The time was, in other countries, where all the rights of the people were usurped by despotic governments, when a grant by the King to a portion of his subjects, of corporate privileges, to carry on trade, or for municipal purposes, was a partial enfranchisement, and made the means of resuming some of their civil rights. Then and there, corporations had merits, and were cherished by the friends of liberty. But, in this age and country, under our free system, where the people are sovereign, to grant special privileges, is an inversion of the order of things. It is not to restore, but to take away from the people, their common rights, and give them to a few. It is to go back to the dark ages for instruction in the science of government, and having found an example, to wrest it from its original purpose, and to make it the instrument of restoring the inequality and despotism, which its introduction tended to correct.

The fallacy that, where large investments are required to carry on a profitable business, (and corporations do not associate for that which is unprofitable) individual means are inadequate, is every where refuted in this happy country.

Further, by cherishing any particular business, and surrounding it with special privileges, the natural law,

which secures to every branch of business its appropriate encouragement and reward, is violated. Under this law, so kindly provided by Him who rules all things, every individual man, untrammelled by the curses of bad government, guided by his moral and intellectual powers and his religious principles, advances his own happiness and improves his own condition; and, thus, the happiness and prosperity of all are promoted. Every effort to modify or subvert this sovereign law, by placing classes, professions or callings beyond its control, has hitherto, and ever will, like every other transgression, be destructive of good. If our free institutions are right; if it is right that all men should be held equal; if this is the law of our nature, enstamped by Him who made us, then every human law which impairs this equality, is radically and intrinsically wrong.

The report of the Canal Commissioners will furnish information, in detail, in regard to the public works. Notwithstanding the interruptions of business experienced during the year, the gratifying result is presented, of a large increase of tolls over any preceding year. The increased and increasing value of these great works, render them an object worthy of peculiar care and protection; and must, forever, negative the idea of the State surrendering the control over them, to a corporation.

The Pennsylvania railroad company, have commenced the construction of their road, between this place and the city of Pittsburg, under very favorable auspices. The Eastern division is now under contract as far as Lewistown, and it is expected the remaining portion of it, as far as Hollidaysburg, will be put under contract during the ensuing spring. The completion of this great public work, even to Hollidaysburg, will augment the trade and travel upon the Philadelphia and Columbia road. This prospective in-



crease of business, urges the necessity of considering the best means of avoiding the inclined plane, at the Schuylkill. As the Philadelphia and Columbia railroad, is the important link which connects the main line of our public improvements, as well as the North and West Branch canals, with the commercial metropolis of the State, and upon the control and management of which the value of our canals mainly depend, every thing which relates to it, is of the highest concern to the interests of the Commonwealth. In adopting measures to change its route, so as to reach the city without passing the inclined plane, the greatest circumspection and care should be observed, to secure the best location practicable, and to protect the State against exorbitant claims for damages. No change of location should be sanctioned, until the whole question is carefully examined, by one or more of the most competent engineers, who are entirely free from all interest in the decision. Under no circumstances, should any plan or arrangement be entertained, by which the State would, for a single moment, be deprived of the ownership, and entire control of the road.

The reports of the Auditor General, and State Treasurer, present, in detail, the financial operations of the year; and I take pleasure in saying, that the industry, ability, and fidelity, with which these departments have been administered, are deserving of the highest commendation.

The Commonwealth has heretofore sustained many losses, by the delay of the settlement of accounts, and the omission to enforce the payment of the balances found due, when settled. Within the last few years, many old accounts have been finally settled, and suits brought and prosecuted to judgment and execution, for balances of long standing, embracing the terms of several administrations. This has, in many instances,

produced cases of extreme hardship upon bail, some of whom have been compelled to pay the balances found due, with the accumulated interest, after the insolvency of their principals and co-sureties. I am gratified in being able to say, that the business imposed upon the accounting officers, by a special act of Assembly, in collecting these old debts, has not only been faithfully performed, but that the current business has been promptly attended to, and kept up. To enable the Auditor General, however, to continue to do full justice to the interests of the State, and all concerned, in the prompt settlement of accounts, liberal provision should be made to pay additional clerk hire.

While on this subject, I would, respectfully, invite attention to the organization of the offices of the Auditor General and State Treasurer, to ascertain whether the regulations and checks existing are sufficient, in all respects, to secure a proper accountability, and protect the interests of the Commonwealth. It is true, that the public has, for many years, sustained no losses by the Treasury; but, I apprehend, that the faithfulness of the agents, having charge of these departments, and not the checks provided by the law, has produced this result. This is a propitious period for instituting an examination of the subject, particularly as the present worthy officers hold so large a share of the public confidence. Since the establishment of the present system, the finances of the State have increased from a few hundred thousands, to nearly four millions of dollars, annually. The regulations and checks which were then considered sufficient, may now be inadequate to protect the interests of the Commonwealth, in its enlarged and increasing financial operations.

The Auditor General's Office, to be an efficient check upon the Treasury, should be so organized, that the

Auditor General might know, at all times, the condition of the Treasury, from the books of his own office, without being dependent on those of the Treasury. If errors or omissions exist in the Treasury, the Auditor General's books should detect and correct them. This is not the case, under the present organization and mode of doing business, in the two offices.

It also occurs to me, that greater security against the misapplication of the moneys in the Treasury and on deposit in the banks, to the credit of the Treasurer, should be provided by the institution of some check upon his drafts and payments. The moneys of the Commonwealth, on deposit to the credit of the Treasurer, varying in amount, for some months in the year, from four hundred thousand to near a million of dollars, are subject to his draft, alone, while he is only required to give security in the sum of eighty thousand dollars. Thus a very great and dangerous power is confided to one man. I therefore suggest the propriety of requiring the Auditor General to countersign all drafts for the payment of money drawn by the Treasurer, on the depositories, or for transferring moneys from one depository to another.

The report of the Adjutant General exhibits the number of the militia of the Commonwealth, as well as the arms and military stores.

This detail shows the elements of the military power of the Commonwealth—the strength of a republican government. The experience of the last few years has added proofs to the value of this institution, and presents the subject, as one of great importance, to the care and supervision of the Legislature.

The report of the Superintendent of Common Schools, exhibits a full view of the progress and steady advancement of our admirable system of common school instruction, which is diffusing its blessings to the rising generation, and strengthens all our free

institutions. The man who loves his race cannot find a more delightful subject of contemplation than this universal provision for the education of all the children of the Commonwealth, and thus arming them with knowledge and power, and fitting them for maintaining the rank and dignity of freemen. The perfection of the system is one of the noblest objects of legislation, and will secure the early and continued attention of the General Assembly.

You are respectfully referred to the report of the Surveyor General, for information in relation to the operations of the Land Office, during the past year, by which it will be seen the receipts into the Treasury, from that source, have been increased.

The final geological report, now finished and ready for the press, has been deposited by Henry D. Rogers, Esq., the State Geologist, with the Secretary of the Commonwealth. This report is represented to contain a general and scientific view of all the rocky strata, and their contents—their order of arrangement, and the region of country they occupy, and representing, in detail, the situation of every layer of coal, every important vein and bed of iron ore, and every other mineral deposit, of utility, within the State. The State has expended a large sum, in collecting the materials, and information, contained in this elaborate and extensive report, which will be in a great degree, lost, unless it is published. I therefore recommend the subject of publication, to the early attention of the Legislature.

The rights of property of married women, present, in my opinion, a proper subject of legislative consideration. By our laws, the husband, upon marriage, possesses the power of becoming the absolute owner of the personal estate of his wife, by reducing it into possession, and when he thus acquires the ownership, he may dispose of it by will, at his death, to whom



he pleases. She has the privilege, by law, of renouncing the estate or property devised or bequeathed to her by will; and upon such renunciation, she is entitled to dower of her husband's real estate, of which he died seized. The wife has no control of her own personal estate or of that of her husband, during the marriage, unless it be an extorted allowance for necessities; and at her death, she has no power to dispose of even that which was her own, by will; but, the whole belongs to the husband. The husband may encumber his estate, by contracting debts without the consent of his wife; and upon his dying intestate, she is only entitled to the one-third of the personal estate, and a life estate in one-third of the real estate, after the payment of all the debts; and, if the estate is not sufficient to the payment of the debts, she loses all. But the wife cannot encumber the real estate she holds in her own right, and upon her death, the whole vests in the husband, during his natural life. The policy, as well as the justice of this distinction, made by the law in favor of the husband, and against the wife, may well be questioned. The liberal and enlightened spirit of the age, has developed and secured the rights of man, and has redeemed woman and elevated her, from the degrading position she occupied, and placed her, where she always should have been, at the side of her husband, his equal in rank and dignity. Then, why should her rights of property still be, to a great extent, controlled by the contracted and illiberal enactments of an age when her husband was her lord, and he might chastise her, by law, as if she were a servant? Our law very carefully provides, that the husband shall not, without the formal consent of his wife, convey his real estate by deed, so as to bar her right of dower, and if this consent is not given, her right is protected, after his death, against the claims of his creditors. Now, if this be a sound principle, and worthy of the

solemn sanctions it has received from the Legislature and the judiciary, why should it not be extended, so as to preserve the widow her dower, in all cases where the husband has not only by deed, but by other means, sanctioned by the law, disposed of his real estate, without the formal consent of his wife? If the husband contracts debts, his real estate is as effectually transferred by the law, for the use of his creditors, as if he had conveyed it by deed, with the consent of his wife: thus the law, at present, enables the husband, by one mode of transfer, to bar his wife's dower, without her consent, while it protects her right with the greatest pertinacity, if he adopts another mode of transfer. If the widow's right of dower is good in one case, as is universally admitted, it is equally as good in the other, and the power of the husband to take it away, by changing the mode of transferring the estate, is destructive of a sound and well established principle, and should be repealed. This conclusion appears to me to be irresistible; and I therefore recommend the passage of a law, securing to married women their right of dower, in all cases where the estates of their husbands are transferred after the passage of the act, without their formal consent.

In the annual message to the Legislature, at the last session, and in several messages containing objections to bills for dissolving marriage contracts, I have expressed my opinions upon the subject of granting legislative divorces. These opinions, have been strengthened by further reflection, and I shall adhere to them.

The great purposes for which the law-making power was established in the Commonwealth, have been accomplished. General laws have been enacted, and have received the approbation of the people, for securing the enjoyment of the life, the liberty, and reputation of the citizens, and for protecting them in the acquisition, possession, and transmission, of property, and in the pursuit of their own happiness. The foun-

dations of good government being thus laid, the time of the General Assembly, at its annual sessions, is more occupied in providing for the contingencies that arise in the progress of our affairs, than in changing the organic laws, as is attested by reference to the annual enactments of the Legislature. For some years past, but few general, while a large number of local laws, have been enacted. The tendency seems to be to substitute special, for general legislation; a practice which may well be regarded as of doubtful utility—and it presents a question, which, in my opinion, deserves grave consideration. General laws, affecting the whole community, receive, in their discussion, the deliberate consideration of all the representatives of the people. That which interests all, arrests the attention, and secures the care and close investigation of all. Hence, general laws have impressed upon them, the wisdom, the experience, and the judgment, of every member of the Legislature. Having received this deliberate sanction, they usually meet with the approbation of the people, and become permanent rules of action. This reasonable practice, limits and simplifies the questions submitted for legislative discussion—is calculated to shorten the sessions—reduce the expenses of government, and give dignity and importance to the proceedings of the General Assembly. On the other hand, local legislation excites no interest. A few members, only, who represent the county, township or borough, in which the change of the law is proposed, are concerned in arranging the provisions, and being too often passed upon their request, those special acts are sent forth, with all the imperfections which the wisdom and deliberate care of the whole body, if they had been general laws, would have corrected. The direct tendency of this practice, is to multiply the demand for local laws—a demand which has increased from year to year, to an alarming ex-

tent, and which no industry of the General Assembly will be able within the limits of an ordinary session to satisfy, if the practice is continued. It is not impracticable, in a great State like Pennsylvania, to provide special acts to meet all the different and changing views of the citizens, of every borough, township and county? and if this were practicable, would not the policy of establishing an infinite variety of different rules, for the same people, be exceedingly questionable, and introduce great confusion and uncertainty? Would it not defeat one great and beneficial object of sound legislation, which is permanency of the laws? Is there not true wisdom, and sound policy, in preserving and strengthening the unity of the Commonwealth, and in maintaining uniform interests, customs and habits? It is true, there are shades of difference in the condition and local circumstances of the citizens, of separate districts of the State; but, in an advancing and improving country, where intercourse is so direct, and the social relations of life are so generally diffused, these will gradually and certainly disappear under the influence of general laws. We are one people, without reference to our ancestry, or the place of our birth. We are all Pennsylvanians—we have the same Constitution of government—the same common rights—then why should we not have the same common laws?

In conclusion, permit me to assure you, gentlemen, that I shall most heartily co-operate with you, in all your efforts to advance our beloved Commonwealth, and to promote the welfare of the people.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, January 5, 1848.



To the Assembly Vetoing "A Supplement to an Act to Incorporate the Hazleton Coal Company, Passed March 18, 1836, and Relative to the Little Schuylkill and Susquehanna Railroad Company."

Gentlemen:—

THE BILL, ENTITLED "A SUPPLEMENT TO AN act to incorporate the Hazleton coal company, passed March 18, 1836, and relative to the Little Schuylkill and Susquehanna railroad company," was presented for my approbation near the close of the last session.

The first section of the bill provides that the act to incorporate the Hazleton coal company shall be continued till the 18th March, 1866. The company was incorporated for twenty years on the 18th March, 1836; of this period more than eight years have yet to run.

I have heretofore so fully expressed my objections to the policy of incorporating mining companies in messages to the Legislature, to which I respectfully refer, that I deem it unnecessary to repeat theme here. If there were no other objections to this section, the extension of the corporate privileges so far in advance of the period of their expiration, appers to me to be conclusive.

It is true there is a proviso in the bill, by which the company is required within three years to make a railroad from the head of the steep grade on their present road, to the river Lehigh, but it is difficult to perceive any reason why the construction of this road, which it is presumed will be of advantage to the company, or it would not be proposed, should be a consideration for extending the charter of their coal company, from 1856 to 1866.

The second section of the bill provides as follows: "That any of the stockholders of the Little Schuylkill and Susquehanna railroad company are eligible to

the offices of president and managers of said company."

A practice has obtained of passing supplement upon supplement to acts of incorporation, with no other reference to the original laws than the titles, omitting even the date, and of adopting provisions of other laws by a bare reference to sections, without stating their object. The effect of this legislation is to involve the laws and the extent of the grants made to these corporations, in mystery. The second section of the bill before me, and the enactments in relation to the company to which it refers, are examples of this mysterious legislation.

Upon examination it will be found that the act to incorporate this company was passed on the 21st day of March, 1831, and that not less than seven supplements to it have since, from time to time, been passed, in neither of which is there a reference to the date of the original act. This second section now under consideration may relate to the third section of the act of 1831, for incorporating the company, which provides that all the directors shall be residents of this Commonwealth; but the reference is so cautiously and timidly made, as if the change were of doubtful propriety. The intention seems to be to authorize non-resident stockholders to be officers of the company. This change of the law can be of no essential importance, if the policy of making it, in explicit terms, were unquestionable.

With these objections to its becoming a law, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, January 6, 1848.

To the Assembly Vetoing "An Act to Authorize the Election of Prosecuting Attorneys."

Gentlemen:—

I REGRET THE NECESSITY, WHICH THE EXERCISE of constitutional duty imposes upon me, to return to the Senate in which it originated, the bill, entitled "An act to authorize the election of Prosecuting Attorneys," passed near the close of the last session of the General Assembly, with the reasons which induce me to withhold my assent to the bill.

The measure proposed, is an innovation upon the principle established, and in operation, since the formation of the Constitution of 1776, that the direction of the criminal prosecutions of the State, and the professional aid necessary in guarding the interests of the Commonwealth in civil cases, should be entrusted to the supervision and direction of a single officer, thus producing uniformity and regularity in the discharge of legal duties of the highest importance to the interests of society. If the measure proposed were of obvious utility, and essential to secure the great ends of criminal and civil justice, the peace and good order of society, and the rights of its individual members, I admit that the mere circumstances of its being adopted now, for the first time in the history of our State, would not be a valid objection.

There is no one who estimates more highly than myself that great security of our republican institutions, the virtue and intelligence of the people. The controlling efficacy of the popular will, is the surest protection against the abuses of official authority, and will not fail to check every department of the government from trenching upon the barriers of the Constitution, which so wisely limit the exercise of their power. Under our well balanced republican institutions, which secure all the just purposes of a wisely regulated liberty, every citizen, although he

does not actually participate in the administration of the government, regulates and controls it by the power which he exercises in selecting those who must represent and promote his interests, as well as the general interests of the Commonwealth. The spirit of republican institutions is, therefore, the embodiment of the will of the people. The proper execution of official duty is in accordance with this just principle of free government, is promotive of individual and social happiness, and all the beneficial purposes resulting from the securities provided by the Constitution.

The present arrangement of the important professional and judicial office which is the subject of this bill, has not received, as I am aware, the disapprobation of the people. Amidst the many subjects to which the press and the people have directed legislative attention, I have not observed the expression of any objection, or the suggestion of any injury to the administration of justice, resulting from the present mode of appointment. It is not intimated by this remark, that either the powers or the duties of the legislature are, at all, limited to objects to which their attention is directed by petitions from the people; but the want of such petitions, in connection with matters of such general concern to the interests of the community, is very high evidence that the popular voice has not demanded so sudden and radical a change in the mode of appointment of officers exercising high judicial, as well as professional and ministerial functions.

The great element of popular sovereignty, which is the basis of our republican form of government, induced the framers of the Constitution to sustain this principle, not only in every department of the government, but in the organization of our courts of justice. They have, therefore, in addition to the other



salutary protections of the Constitution, sedulously guarded the rights of the citizen, by the inestimable privilege of a trial by jury, and have most carefully shielded the power of this tribunal from the encroachments of both legislative and judicial authority. The history of this ancient tribunal shows the secure protection which it has afforded to individual rights and personal liberty; for amidst the changes of government, the storms of civil dissension, and the various efforts of power to destroy its privileges and moral influence with the community, it has remained untouched with all the mutations of time, and the wreck of other institutions, a proud monument of the moral integrity and just judgment of the people. The high character and importance of the tribunal, by jury, have resulted from its firm maintenance of those fixed principles of right and duty, which should invariably govern the administration of justice. For it not only has been distinguished for resisting the efforts of power to trench upon its privileges, but it has equally guarded the rights of the citizen from the excitement and prejudice of popular impulses.

The manner in which this tribunal is constituted and selected, shows how carefully the Legislature has endeavored to guard it from the influences of popular excitement, or from any bias or prejudice which might sway the determination of any cause submitted for its decision. It has never been intimated, I believe, that it would be wise or judicious, that this tribunal, constituting as it does, the popular branch, as it may be termed, in the administration of justice, and exercising so much judicial power, should be selected by an election of the people: and yet upon a careful examination of the relative position of the jury, and the prosecuting officer of the Commonwealth, an election would be just as proper in the one case as in the other.

I agree with the sentiment, that laws and institutions must go hand in hand with the progress of the

human mind; and the suggestions of advanced knowledge and experience, may make it necessary to change both our laws and Constitutions. The ability and deliberation which characterized the convention of 1838, resulted in the determination that it was an essential feature in our institutions, that the judges of our courts should not be immediately elected by the people, but should receive their appointment from the Executive, with the consent of the Senate, and the acts of both Senate and Executive in reference to every other matter of official duty, are submitted to the suffrages and approbation of the people. We perceive in the result of the institutions of the general government, and that of our own Commonwealth, the satisfactory demonstration of the secure enjoyment of all the salutary principles of free government, and their correspondent advantages. The constant and habitual enjoyment of the great blessings of our liberty, may sometimes induce us to omit a proper estimate of their value, and although I would not interpose an objection to a change so important to the administration of justice, if it were obviously beneficial as a progressive improvement, yet I think the innovation is neither called for by public opinion, nor is in accordance with the principles established in relation to officers administering any portion of judicial power.

The great importance of maintaining independent action of the three great departments of the government, the executive, legislative and judicial, is a trueism so obvious, as not to require any illustration. The rights of sovereignty, thus committed to different men, with distinct powers, that operate as a mutual check on each other, prevent by the restrictions of our Constitution, either abuse or encroachment. In reference to the exercise of judicial power, it may be said that there is no department of the government which exercises so important an influence upon all the

great interests of society. It carries practically into effect the legislation of the government, and enforces the salutary purposes of the law-makers, in the promotion of the peace and good order of society, and the protection of individual rights and personal liberty. This power of government, properly and impartially exercised, characterized by ability and integrity, moving in the sphere that the Constitution has prescribed, unawed by power, uninfluenced by clamor, and remaining firm amidst popular excitements, assures every citizen that his liberty, reputation and property, are secure from violation.

The will of the people, when deliberately expressed, in reference to any public measure, cannot fail to be right, and there cannot, and ought not, to be any distrust of this great element of republican institutions. It is, therefore, settled by the will of the people, as expressed in the Constitution, that the election of the judges shall not depend as to appointment or official tenure upon the vote of the people, but on Executive nomination, with the advice and consent of the Senate. And the object was, to preserve their entire independence from all influences that might sway them in the performance of their duties, during the limited tenure prescribed to them in the Constitution.

It is almost unnecessary to remark, that the greatest and most formidable power of the judiciary, is that which particularly pertains to criminal prosecutions; for on the proper exercise of this great power, the lives, the liberties and the reputations of men may depend. The office of Attorney General was created and exists, in addition to his responsible duties in civil cases, for the purpose of directing the criminal prosecutions of the Commonwealth. It is his duty, and that of his deputies, to aid in the careful investigation of charges made against any individual for a violation of the laws; and while omitting no just effort

in endeavoring to detect and punish the guilty, it is his obvious duty to be equally vigilant in shielding the innocent from the effects of unjust accusation. In all legal questions, and in most of the civil cases in which the Commonwealth is interested, he is the appropriate officer to advise and direct. He exercises, therefore, by himself and his deputies, a high judicial authority, so that before a bill is presented to the grand jury, he can interpose his judgment as to the facts and circumstances alleged to constitute the crime charged; and if he be satisfied that no crime was committed, or that the circumstances do not warrant the prosecution, or that there is not sufficient evidence of the identity of the person charged as the offender, he can in either case exercise, with propriety and justice, the high judicial power of discharging and setting the accused at liberty.

In exercising extraordinary and necessary discretionary power, he must be directed by the same deliberation, impartiality and unbiassed purity of purpose, which govern and direct the judges in the discharge of their official duties.

In addition to the important duties and responsibilities pertaining to the office of Attorney General, to which I have adverted, his opinions are frequently required in reference to the legal questions arising from the relations subsisting under the Constitution of the United States, between the States of our extended confederacy. Uniformity of opinion, and action in reference to subjects depending upon the operation of legal and constitutional principles, can only be produced by confiding to one officer the general supervision and direction as to questions, which should be settled according to those fixed rules of right and justice, that must be regular and general in their application.



Entertaining the views thus presented, I am firmly impressed with the belief, that the operation of the bill, if passed into a law, would be injurious in its results, upon the varied public and private interests, which are necessarily involved in the administration of justice.

FRS. R. SHUNK.

Executive Chamber, January 6, 1848.

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To the Assembly Vetoing "An Act to Abolish the Mayor's Court of the City of Lancaster."

Gentlemen:—

“**A**N ACT TO ABOLISH THE MAYOR'S COURT of the city of Lancaster,” was presented to me for my approval near the close of the last session of the Legislature. It provides for the abolition of the court, and vests in the court of quarter sessions of the county, jurisdiction of all offences cognizable, as well as such as are now pending, in the said court. The office of recorder of the city remains untouched, and is permitted to exist under the act of incorporation, but he is deprived, by the third section of the act, of his salary, to which, under his commission, he was entitled, as a compensation for his services. The court was established upon the petition of the citizens of the then borough of Lancaster, by an act of the Legislature, passed 20th March, 1818. The population of the city of Lancaster, at the time of its passage, was about five thousand eight hundred. By the census of 1840, it was eight thousand four hundred and seventeen; and the population is now believed to exceed nine thousand. If there were a necessity for the creation of the court, in aid of the police of the city of Lancaster, at the time of the passage of the

act of incorporation, the increased population of the city, and the correspondent advance in the number of criminal prosecutions, would seem to increase rather than diminish the necessity for its existence. As this is a local court, created for local purposes, the people of the locality should be consulted as to their wishes and interests in reference to the existence of the court, unless some obvious injury to the Commonwealth and the community will result from its further continuance. The people of the city of Lancaster have, by their select and common councils, repeatedly and almost unanimously, remonstrated against the abolition of this court; and the public voice, thus distinctly expressed in reference to municipal regulations already established by law, should be regarded, unless directly conflicting with the public interests.

The whole expenses of this court, from January, 1846, to January, 1847, to the county of Lancaster, were one thousand two hundred and eighty-seven dollars and thirty-three cents. This sum is made up of the fees of the prosecuting officer of the Commonwealth, the clerk's fees, the pay of witnesses, the costs of aldermen and constables, criers and tipstaves, bench fees and jurors' pay. It is not to be presumed that the abolition of the court could have any material effect in checking the commission of crime in a population of nine thousand souls; and therefore, all the items of cost, except the jurors' fees and bench fees, would clearly be payable out of the county treasury, whether the court was in existence or not. These fees, instead of being diminished by the abolition of the court, it is believed, must necessarily be increased. The criminal cases, of which the mayor's court now has cognizance, if transferred to the quarter sessions, must obviously be postponed until after the cases from the county are heard; or, the cases from the county

must be delayed to give precedence to those from the city. In either event, the costs of the attendance of witnesses, and the clerk's fees, must necessarily be increased to the county. The cost of jurors in the mayor's court is five hundred and forty-two dollars, which is included in the amount of expenses hereinbefore stated; and, with the exception of the attendance of the grand jury, there will, obviously, be required the same attendance of jurors in the quarter sessions for the additional time necessary for the disposition of the city cases. After a very careful consideration of the subject, I do not believe there will be any material saving of time or money to the people of Lancaster county, by the abolition of the court. There is no complaint, as I have heard, urged before the Legislature, that the duties of the court are not properly performed. The ability and integrity of the mayor and recorder of the city are believed to be unquestionable. The present recorder of the city of Lancaster was nominated by the Governor, and appointed and commissioned by him, with the unanimous consent of the Senate, on the 12th day of April, A. D. 1845, and by the 8th section of the schedule to the Constitution of the Commonwealth of 1838, it is expressly provides, "that the recorders of the several mayor's courts and other criminal courts in this Commonwealth, shall be appointed for the same time and in the same manner as the president judges of the several judicial districts." The Constitution of 1838, in the limitations prescribed, as to the time of the judicial tenure, has restricted the Legislature from any attempt to destroy the judicial office; and, by the express and salutary requisition of the Constitution, the president judges of the several courts of common pleas, and of such other courts of record as are, or shall be established by law, and all other judges required to be learned in the law, shall hold their offices

for the term of ten years, if they shall so long behave themselves well. By the Constitution of 1790, the judges of the supreme court and of the several courts of common pleas were alone protected and the judges of all other courts created by law were left entirely to the action of the Legislature. The Constitution of 1838, has very wisely provided, that the judicial power, whether exercised under special acts of legislation, or, by the ancient courts of the Commonwealth, as recognized by the Constitution, shall receive the same protection of entire judicial independence during the period of their existence.

I do not desire to be understood as advancing unqualifiedly the doctrine that there are no circumstances arising from the vacation of the judicial office by the resignation or removal of the judicial officer, which would be sufficient to justify the interference of the Legislature in repealing or modifying any law establishing a court of record during the existence of the constitutional period for which it was created.

The spirit of the constitutional provision appears so explicit in its application to all courts of record established by law, that the Legislature had better submit to what the majority might conceive to be an inconvenience, than to weaken the barriers of the Constitution, which have been so justly established for the protection of the judicial authority; which equally, and thus steadily guard the rights and interests of the people from the discretionary exercise of legislative power.

I therefore return the bill with these, my objections, to the Senate in which it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Jan. 6, 1848.



To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act to Incorporate the Lancaster County Mutual Insurance Company.' "

Gentlemen:—

**T**HE BILL, ENTITLED "A SUPPLEMENT TO AN act, entitled 'An act to incorporate the Lancaster county mutual insurance company' " was presented for my approbation on the 12th of March last.

It authorizes the directors of the said company to borrow a sum of money not exceeding twenty thousand dollars, to be appropriated under their charter, in payment of losses sustained, and repeals so much of the tenth section of the act to which this is a supplement, as is thus altered or supplied.

The provisions of the original act, passed the 19th of March, 1841, in accordance with the usual principles upon which mutual insurance companies have been chartered, requires that every person who shall become a member of the corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, for such sum of money as shall be determined by the directors; a part not exceeding five per cent, to be immediately paid, and the remainder of the said deposit note, to be paid in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss by fire, and such incidental charges as shall be requisite for transacting the business of the company. The tenth section of the same act provides, that the directors shall ascertain the loss by fire sustained by any of its members, and settle and determine the amount of the share of such loss or damage to be paid by such member: and by the eleventh section, if the whole amount of the deposit note should be insufficient to pay the loss, then the sufferers shall receive, in addition to the amount of the deposit note, a sum, which is

to be assessed on all the members of the said company, according to the provisions of the said section.

The directors or members of the company may, upon their individual responsibility, borrow money to meet their engagements without the aid of any legislative provision, and the power conferred by this bill, upon the directors, is establishing a precedent in relation to these corporations, which would seem clearly to violate the principle upon which they have been created—of entire reliance upon the credit and resources of the individual members.

The repeal of the provisions of the tenth section, in whole or in part, necessarily lessens the security of the sufferers by fire; and, also relieves the individual members from a share of the responsibilities thus imposed upon them.

I have, therefore, deemed it to be my duty, to return the bill, with these my objections, to the Senate in which it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, January 6, 1848.

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To the Assembly Vetoing "An Act to Authorize the Philadelphia and Reading Railroad Company to Enter Upon and Occupy a Certain Lot of Ground in the Borough of Reading."

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO AUTHORIZE the Philadelphia and Reading railroad company to enter upon and occupy a certain lot of ground in the borough of Reading," was presented for my approval on the 12th of March last. It confers upon the said company the power to enter upon and

occupy "a lot or tract of land" in the borough of Reading, belonging to others, and appropriate the same to its own use, upon paying the damages that may be assessed.

The Constitution vests the power in the Legislature to apply private property to public use, and by the exercise of this power the Reading railroad company was authorized by the act of incorporation, passed on the 4th of April, 1833, to enter upon and occupy all land on which the said railroad or its depots and warehouses may be located, or which may be necessary or useful in the construction and repairs of the same. Hence, it is clear that if this lot of ground is required for the use and repair of the road, the company have the power under the act of 1833, to appropriate it, and it is equally clear, that if it is required, only for the convenience of the company, the Legislature have no power to grant the right to take it.

In my apprehension, the power of the Legislature to take away a man's private property, is strictly limited to cases where the public interest requires, that individual rights should yield to the general good, and cannot under the limitations of power conferred on the Legislature by the Constitution, be so extended as to include the right of authorizing one man, or set of men, for their convenience, to take the property of another, however ample the provision may be for making adequate compensation. The exercise of such a power would strike at the foundation of the security, upon which the right of property rests, and would substitute for the absolute title by which a man holds his estate, a contingent interest, subject to be divested for the convenience of others, if that convenience was made apparent to the Legislature. A power so unlimited, so undefined, and so dangerous, is in my opinion, as intolerable as it is repugnant to the Constitution. The rights of private property, have been respected in

all civilized countries, in every age of the world, and are guarded with peculiar care, by our republican institutions. A remarkable instance of the high estimate in which this right was held, under the Jewish government, is recorded in the 21st chapter of 1st Kings. The monarch of Israel was desirous to possess a vineyard, situate hard by his palace. The right to take it was not included in the plentitude of his kingly power. Hence he condescended to make a request of his subject to whom it belonged; "saying, give me thy vineyard, that I may have it for a garden for herbs, because it is near unto my house, and I will give thee for it, a better vineyard than it, or if it seem good to thee, I will give thee the worth of it in money." But the subject unawed by majesty, and conscious of his rights replied, "The Lord forbid it me, that I should give the inheritance of my fathers to thee."

It is true, the desire of the tyrant was gratified in the sequel; but a terrible judgment was denounced against him for the crime, by which he succeeded.

With these objections to its becoming a law, I have directed the bill to be returned to the Senate where it originated.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, January 6, 1848.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,

Harrisburg, January 6, 1848.

Gentlemen:—

**D**URING THE RECESS I COMMISSIONED JAMES Nill, of Franklin county, to be president judge of the court of common pleas of the fifteenth judicial district, composed of the counties of Chester and Delaware.

Jeremiah M. Burrell, to be president judge of the



court of common pleas of the tenth judicial district, composed of the counties of Westmoreland, Cambria, Indiana and Armstrong.

Henry M. La Bar, to be an associate judge of the court of common pleas of Pike county, in the room of Harvey Roys, deceased.

John Carothers, to be an associate judge of the court of common pleas of Beaver county, to supply the vacancy occasioned by the expiration of the term for which he was commissioned.

William Colley and John A. Speaker, to be associate judges of the court of common pleas of Sullivan county.

James Frow, to be an associate judge of the court of common pleas of Juniata county, to supply the vacancy caused by the death of Daniel Christy.

I now nominate them respectively to the Senate for the offices named.

I also nominate Nimrod Strickland, to be an associate judge of the court of common pleas of Chester county, to fill the vacancy which will occur on the 15th inst., by the resignation of Jesse Sharp.

FRS. R. SHUNK.

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### Inaugural Address to the Assembly—1848.

Friends and Fellow Citizens:—

**I**N APPEARING BEFORE YOU, TO RENEW THE solemn obligation of fidelity to the Constitution, and my pledges for the faithful execution of the duties, to which the suffrages of the people have again called me, I avail myself of your presence, to express to you, and through you to my fellow citizens of the Commonwealth, my gratitude for the favor with which they have regarded my efforts, to discharge the duties of my trust, in good faith. The practical knowledge

which I have acquired, of the various and complicated duties of the Chief Executive Magistrate of the State, increases the distrust, I have always felt, of my ability so to perform them, as to justify the public approval; and constrains me to solicit a continuance of the same kind indulgence, which has been hitherto extended to me so generously.

In taking the solemn oath, which the Constitution exacts from all who are clothed with the delegated will of the people, it is proper to recall to mind the principles upon which our government is based—that their spirit and meaning may be apprehended, their value appreciated, and the obligation to guard them, with untiring vigilance, enforced.

In the formation of our government, political power has been resolved into its simplest element. It is the power of the people, by the expression of their will, in free and equal elections, to rule; and this assumes for its basis, the great fundamental truth, that man is capable of self-government.

This great political principle, only partially developed before, was, by our republican fathers, made the ground-work of written constitutions, which defined and limited the powers of government, and prescribed the duties of those to whom its administration was entrusted. This is the animating principle of our whole system. It shields life and liberty, the acquisition and enjoyment of property and reputation. Assuming the inherent and exclusive right of the people to institute government for their peace, safety and happiness, it secures religious freedom, free and equal elections, the trial by jury, general education, the liberty of the press, and all the essential guards of religious, political, civil and personal right. This democratic power of government, is the security of liberty in all its forms;—and no other fundamental, political power, is recognized in this country.

Its happy influence is traced, in the rewards which follow industry and enterprize among us, with such astonishing rapidity. But as wealth increases, causes that are inherent in human nature, produce inequality in its distribution. The fathers of our government, foresaw the tendency of this, and that it might eventuate in the creation of a permanent aristocracy of wealth. Wisely guarding against it, they not only abolished the laws of primogeniture and entails, and enacted our equal laws of descent and distribution, but they secured to us, their posterity, the equal right of acquiring, possessing and protecting property, by making it an essential article of the Constitution.

Still, political society is, and always must be influenced, to a considerable extent, by the differing circumstances of the people. Capital and labor, if regarded separately, have apparently different interests:—and yet these powers, if left to their unrestricted action, under the salutary influence of our system, mutually sustain and cherish each other. Those who represent each, will, in the progress of affairs, change their positions; laborers will become capitalists, and capitalists laborers:—and these quiet, and peaceful, and equalizing revolutions, will be ever in progress; neither power predominating, or injuriously controlling the other; but both contributing, in perfect harmony, to the promotion of the general welfare.

It is to this free and natural combination of labor and capital, under the controlling influence of religious and civil liberty, that we must ascribe the unexampled progress of civilization and refinement amongst us, the advance of science and the arts, and the illustrations which surround us on every side, of the power of man to exalt his moral and intellectual nature. Yet it is a fact, not to be concealed, that the interests, so beneficially and justly united by the wise policy of our system, are not always content with that equal-

ity of rights, which is in fact the best security of both. Capital, with untiring industry, is ever seeking, from the Legislature, the grant of special protection and perpetuity of privilege. This, if admitted, is at once destructive of the balance between these powers, which it should be the aim of government steadily to maintain, and works most injuriously to the citizen, leading to oppression on the one hand, and to dependence on the other. Thus, the beautiful order of the whole system is deranged, and the foundations upon which this noble structure of government has risen, to command the admiration and control the destinies of the world, are undermined. To counteract this injurious tendency of capital, and to confine it within the just limits prescribed by the Constitution, is the high and imperative duty of every citizen, and especially of those to whose official guardianship the public interests are confided.

Impressed with the force of this obligation, and with a fixed purpose to maintain all the principles of our government, I adhere to the opinions I had the honor to announce in my first Inaugural Address; and I avail myself of this occasion to add, that I hold every attempt on the part of those who are entrusted with delegated and limited powers, to create public debt without providing ample means for its payment, within a reasonable period; to make contracts in the form of grants to individuals for binding posterity; to create new powers of government, without the consent of the people; to place any delegated powers, which are dependent upon the popular will, beyond its control; to increase or diminish any executive, legislative or judicial power, as defined by the Constitution, is interdicted by that instrument, or manifestly unwise and impolitic. These opinions are only a response to the public sentiment, in regard to the principles of the government, which sentiment is always in advance



of those who affect to distrust the judgment of the people, and doubt their capacity to rule themselves.

With an earnest desire fully to realize the imposing solemnity of my position, and feeling my dependence upon our Heavenly Father, I humbly invoke His assistance, that His strength may sustain, and His wisdom direct me in the performance of all the duties of the high office to which I am called; that I may always recognize the responsibility of those to whom the people have delegated any portion of their sovereignty, and use the power conferred upon me, for the single purpose of promoting the public good, preserving inviolate all the cherished principles of liberty, and adding to the stability of the foundations upon which they rest.

FRS. R. SHUNK.

Harrisburg, January 18, 1848.

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To the Speaker of the Senate Giving Notice of the Appointment of Jesse Miller to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 18, 1848.

Sir:—

I HAVE THIS DAY APPOINTED AND COMMISSIONED, under the great seal of State, Jesse Miller, of Dauphin county, to be Secretary of the Commonwealth of Pennsylvania, agreeably to the provisions of the eighth section of the second article of the Constitution.

FRS. R. SHUNK.

To the Senate Giving Notice of the Appointment of Robert M. Lee to be Recorder of the Mayor's Court of the City of Philadelphia.

Executive Chamber,  
Harrisburg, January 20, 1848.

Gentlemen:—

ON THE 18TH OF MAY LAST, I APPOINTED and commissioned Robert M. Lee, to be recorder of the mayor's court for the city of Philadelphia, to supply the vacancy occasioned by the resignation of Richard Vaux, resigned. I now nominate him to said office.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, January 22, 1848.

Gentlemen:—

I NOMINATE DAVIS BROOKE, TO BE AN ASSOCIATE judge of the court of common pleas of Blair county.

I also nominate Emanuel Shaeffer, to be an associate judge of the court of common pleas of Lancaster county, to supply the vacancy occasioned by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

To the Senate Nominating John H. Brodhead to be an Associate Judge of the Court of Common Pleas for Pike County.

Executive Chamber,  
Harrisburg, January 24, 1848.

Gentlemen:—

**I** NOMINATE JOHN H. BRODHEAD TO BE AN associate judge of the court of common pleas for Pike county, to supply the vacancy occasioned by the expiration, on the 10th of February next, of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating John Calhoun to be an Associate Judge of the Court of Common Pleas for Armstrong County.

Executive Chamber,  
Harrisburg, January 26, 1848.

Gentlemen:—

**I** NOMINATE JOHN CALHOUN, TO BE AN ASSOCIATE judge of the court of common pleas of Armstrong county, to supply the vacancy occasioned by the resignation of Andrew Arnold..

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, January 27, 1848.

Gentlemen:—

**I** NOMINATE JAMES MUMFORD, TO BE AN ASSOCIATE judge of the court of common pleas for the county of Wayne.

I also nominate Ephraim Fenton, to be an associate

judge of the court of common pleas for Montgomery county, in the room of Morris Longstreth, resigned.

FRS. R. SHUNK.

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To the Senate Nominating George Sharswood to be President Judge of the District Court Composed of the City and County of Philadelphia.

Executive Chamber,  
Harrisburg, January 29, 1848.

Gentlemen:—

I NOMINATE GEORGE SHARSWOOD TO BE president judge of the district court, composed of the city and county of Philadelphia, in the room of Joel Jones, resigned.

FRS. R. SHUNK.

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To the Senate Nominating George M. Stroud to be Associate Judge of the District Court for the City and County of Philadelphia.

Executive Chamber,  
Harrisburg, February 1, 1848.

Gentlemen:—

I NOMINATE GEORGE M. STROUD, TO THE OFFICE of assistant judge of the district court for the city and county of Philadelphia, to fill the vacancy which has occurred by the appointment of George Sharswood, president of the said court.

FRS. R. SHUNK.



To the Senate Nominating Charles Frailey to be an Associate Judge of the Court of Common Pleas for Schuylkill County.

Executive Chamber,  
Harrisburg, February 3, 1848.

Gentlemen:—

**I** NOMINATE CHARLES FRAILEY FOR THE OFFICE of associate judge of the court of common pleas of Schuylkill county, to fill the vacancy which has occurred by the resignation of Jacob Hunter.

FRS. R. SHUNK.

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To the Senate Nominating George G. Leiper to be an Associate Judge of the Court of Common Pleas for Delaware County.

Executive Chamber,  
Harrisburg, February 3, 1848.

Gentlemen:—

**I** NOMINATE GEORGE G. LEIPER, FOR THE OFFICE of associate judge of the court of common pleas of Delaware county, to fill the vacancy which will occur on the 25th of February instant, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:—

**I**N CONSEQUENCE OF THE FAILURE OF SOME of the counties to pay into the Treasury the balance due from them, as was reasonably expected, and of the increased expenditure required to repair the injury done to the public improvements by the

floods of last fall, there is a deficit of about sixty thousand dollars in the amount required to meet all the interest on the public debt, which fell due on the first instant.

The importance, also, of having the improvements ready for the spring business, at the earliest period practicable, renders it necessary that the repairs should be prosecuted with the utmost vigor. To do this, the Canal Commissioners must be enabled to meet the demands upon them for labor and materials promptly, and, for this purpose, will require about one hundred thousand dollars immediately.

I therefore respectfully recommend that the State Treasurer be authorized to negotiate a loan of one hundred and sixty thousand dollars, for ninety days, to be reimbursed out of any moneys in the Treasury not otherwise appropriated. This, it is confidently believed, will not affect the accuracy of the estimates for the whole financial year, as presented at the commencement of the session, provided the payment of the taxes is rigidly enforced.

The credit and interests of the State require the most prompt action on this subject.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Feb. 7, 1848.

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To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 9, 1848.

Gentlemen:—

**I** MAKE THE FOLLOWING NOMINATIONS, VIZ:  
John Stouffer, to be an associate judge of the  
court of common pleas of Berks county, to fill the  
vacancy which will occur on the 27th inst. by the  
expiration of the term for which he was appointed.

Thomas Burson, to be an associate judge of the court of common pleas of Greene county, to fill the vacancy which will occur on the 3d day of March next, by the expiration of the term for which he was appointed.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 10, 1848.

Gentlemen:—

I MAKE THE FOLLOWING NOMINATIONS, VIZ:  
William S. Jayne for the office of associate judge of the court of common pleas of Wyoming county, to fill the vacancy which will occur on the 25th instant, by the expiration of the term for which he was commissioned.

Peter Haas, for the office of associate judge of the court of common pleas of Lehigh county, to fill the vacancy which will occur on the 3d of March next, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Senate Nominating Samuel A. Gilmore to be President Judge of the Fourteenth Judicial District.

Executive Chamber,  
Harrisburg, February 14, 1848.

Gentlemen:—

I NOMINATE SAMUEL A. GILMORE, TO BE president judge of the fourteenth judicial district, composed of the counties of Washington, Fayette and Greene, to fill the vacancy which will occur on

the 27th instant, by the expiration of the term for which Nathaniel Ewing was appointed.

FRS. R. SHUNK.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 16, 1848.

Gentlemen:—

I NOMINATE SAMUEL JONES, TO BE AN ASSOCIATE judge of the court of common pleas of Allegheny county, to supply the vacancy which will occur on the 17th instant, by the expiration of the term for which William Porter was commissioned.

John Ruckman, to be an associate judge of the court of common pleas of Bucks county, to supply the vacancy which will occur on the 25th inst., by the expiration of the term for which he was commissioned.

Philip Noon, to be an associate judge of the court of common pleas of Cambria county, to supply the vacancy which will occur on the 25th inst., by the expiration of the term for which he was commissioned.

James Gwin, to be an associate judge of the court of common pleas of Huntingdon county, to supply the vacancy which will occur on the 25th inst., by the expiration of the term for which he was commissioned.

Jacob Wittenmyer, to be an associate judge of the court of common pleas of Union county, to supply the vacancy which occurred on the 25th ult., by the expiration of the term for which Joseph Stillwell was commissioned.

Benjamin A. Plumer, to be an associate judge of the court of common pleas of Venango county, to supply the vacancy which will occur on the 25th in-



stant, by the expiration of the term for which he was commissioned.

William T. Dougherty, to be an associate judge of the court of common pleas of Bedford county, to supply the vacancy which will occur on the 25th instant, by the expiration of the term for which he was commissioned.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Incorporate the Ocean, Delaware and Philadelphia Telegraphic Company."

Gentlemen:—

THE BILL ENTITLED "AN ACT TO INCORPORATE the Ocean, Delaware and Philadelphia telegraphic company," was presented for my approbation on the 9th inst.

The object of this corporation, with a capital of twenty-five thousand dollars, which may be increased to forty thousand dollars, is to make, use, maintain, and connect in telegraphic communication, the city of Philadelphia and the town of Lewis, in the State of Delaware, and intermediate cities, towns and villages, with power to connect by contract with other persons or corporations, having other telegraphic lines for the purpose aforesaid.

At the last session of the Legislature, a bill was passed for the incorporation of a company, for the purpose of establishing a telegraphic communication between Philadelphia and Pottsville. This is the only law of the kind upon our statute book. Upon mature reflection, I am convinced that this legislation in regard to telegraphic companies, involves questions of grave and serious import, which may well produce doubt and hesitation upon the subject. The communi-

cation of intelligence by magnetic telegraph is a very late invention, and the extent of its application and interference with the general post office, can neither be foreseen nor calculated. The principal lines now in operation have, it is believed, been established by individuals, and they already constitute an essential means of communication between different and distant points in the Union. That they are now even to some extent, a substitute for the general post office is very apparent, and that they may before many years have elapsed, for many purposes, supersede that institution, is within the range of probability. Under these circumstances, the policy and the power of the States to incorporate companies for the purpose of establishing, by means of the magnetic telegraph, a successful competition with the general post office, presents a subject of no ordinary importance. By the Constitution of the United States, the power "to establish post offices and post roads," is expressly conferred upon Congress, and is thus placed beyond the power of the individual States.

The bill before me provides for the incorporation of a company with a perpetual charter, and confers the power of maintaining a telegraphic communication forever between Philadelphia and the town of Lewis, in the State of Delaware, and intermediate cities, towns and villages, which is virtually establishing by a law of this State, a line of communication conflicting with the laws of Congress for the transmission of the mail, and while the rates of postage are regulated and every precautionary provision is made on the mail line for the security of the public. The bill before me leaves the charges for the transmission of intelligence by this greatly improved mode of communication, entirely to the will of the company, and does not even provide for the faithfulness of the officers and agents to be employed, by compelling them to act for the

public, under the solemnity of oaths, or requiring security for their fidelity.

If the State has the power to make legal provisions for the establishment of this line, the same power exists to establish other lines; and thus in a short period telegraphic communications may be established by the Legislature of Pennsylvania in every direction throughout the Union. These corporations, with the unrestricted powers conferred in the bill before me, will have the right to fix and vary the rates of postage from time to time, at their discretion, and to appoint officers and agents as post masters, to superintend the transmission of intelligence, without securing that impartiality and attention which should guard a public trust of so much importance. This may become a great public grievance, when the habits of the people are accommodated to this mode of communication, and it has become essential to their convenience—a grievance which will be beyond the power of legislative remedy, if the doctrine is sound, that chartered privileges, conferred by the government upon a private corporation, constitute a grant, that a grant is a contract, the obligation of which cannot be impaired under the Constitution of the United States.

It is freely admitted that these objections to incorporating telegraphic companies are mainly speculative. The discovery itself of communicating intelligence by means of electricity, is the wonder of the age. There is so much conjecture and calculation in regard to the extent of its use and utility, that legislation on the subject, granting unrestricted and perpetual powers to corporations, before experience shall have rendered that certain, which is now the subject of conjecture, appears to me to be improvident and may be injurious. A little delay need not be deprecated. The developments now in progress, will in a few years solve the mystery which as yet hangs over

the subject, and if legislation shall become necessary, will guide it to beneficial results.

With these objections to its becoming a law, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Feb. 17, 1848.

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To the Assembly Concerning the Pamphlet Laws of  
the Commonwealth.

Gentlemen:—

**I**T APPEARS BY THE ACCOMPANYING COMMUNICATION from the Secretary of the Commonwealth, that the number of copies of the Pamphlet Laws authorized to be printed by the act of the 24th March, 1843, is not sufficient to enable him to make the distribution required by law, and supply the demand for them which exists. I therefore recommend that provision be made for printing an additional number.

As the State Printer is about to commence the printing of the first sheet of the Laws of the present session, it is important that immediate action be had on the subject.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, February 18, 1848.

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To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Gentlemen:—

**I** NOMINATE JAMES M'DIVIT, TO BE AN ASSOCIATE judge of the court of common pleas of Adams county, to supply the vacancy which will occur on the 3d of March next, by the expiration of the term for which he was commissioned.



Joseph Irvin, to be an associate judge of the court of common pleas of Beaver county, to supply the vacancy which occurred on the 25th instant, by the expiration of the term for which Benjamin Adams was commissioned.

John Orr, to be an associate judge of the court of common pleas of Franklin county, to supply the vacancy which will occur on the 5th day of March next, by the expiration of the term for which Samuel Dunn was commissioned.

John Newel, to be an associate judge of the court of common pleas of Mercer county, to supply the vacancy which occurred on the 25th instant, by the expiration of the term for which John Findley was commissioned.

Samuel Alexander, to be an associate judge of the court of common pleas of Mifflin county, to supply the vacancy which occurred on the 25th instant, by the expiration of the term for which Joseph Kyle was appointed.

Isaac Hodgens, to be an associate judge of the court of common pleas of Washington county, to supply the vacancy which will occur on the 18th of March next, by the expiration of the term for which John Grayson was commissioned.

Matthew B. Cowden, to be an associate judge of the court of common pleas of Dauphin county, to supply the vacancy which will occur on the 18th of March next, by the expiration of the term for which William Dock was commissioned.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, Feb. 28, 1848.

To the Senate Nominating Henry Chapman to be  
President Judge of the Fifteenth Judicial District.

Executive Chamber,  
Harrisburg, March 1, 1848.

Gentlemen:—

**I** NOMINATE HENRY CHAPMAN FOR THE OFFICE of president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware.  
FRS. R. SHUNK.

Proclamation of the Election of Samuel A. Bridges as a Representative of Pennsylvania in the United States Congress—1848.

Pennsylvania ss.

[Signed] Frs. R. Shunk.



**I** N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. FRANCIS R. SHUNK, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas by a return made by the Judges of a special election held in the Sixth Congressional district of this Commonwealth composed of the Counties of Bucks and Lehigh on Wednesday the Twenty third day of February last, under the authority of an act of the General Assembly passed the Second day of July A. D. 1839, it appears that Samuel A. Bridges Esquire was duly elected to serve as a Representative of this State in the House of Representatives of the Thirtieth Congress of the United States to supply the vacancy occasioned by the death of the Honorable John W Hornbeck.

And Whereas in and by the forty second section of the act before recited it is made the duty of the Governor on the receipt of the returns of any special elec-

tion by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected.

Now therefore I have issued this Proclamation hereby publishing and declaring that the said Samuel A. Bridges Esquire is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the Honorable John W Hornbeck deceased who had been elected a member of the Thirtieth Congress.

Given under my hand and the Great Seal of State at Harrisburg the Third day of March One thousand eight hundred and forty-eight and of the Commonwealth the Seventy second.

By the Governor.

J. Miller,

Sec'y of the Com'th.

DOCUMENT RELATING TO THE PROCLAMATION.

Pennsylvania, ss.

[Signed] Frs. R. Shunk.



I N THE NAME AND BY THE AUTHORITY OF THE Commonwealth of Pennsylvania, FRANCIS R. SHUNK, Governor of the said Commonwealth.

To Charles H. Mann, Sheriff of the County of Bucks, Esquire:  
Sends Greeting:

Whereas a vacancy has happened in the Representation of this State in the House of Representatives of the United States in consequence of the death of John W. Hornbeck, Esq., elected a member of the thirtieth Congress from the Sixth Congressional District, composed of the counties of Bucks and Lehigh.

Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States, and of an Act of the General Assembly of this State, passed the Second day of July, A. D. eighteen hundred and thirty-nine, I, Francis R. Shunk, being vested with the Executive authority of the State of Pennsylvania, have issued this writ, hereby commanding you, the said Charles H. Mann to hold an election in the said county of Bucks on Wednesday the twenty-third day of February, eighteen hundred and forty-eight, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has happened as aforesaid. And you are hereby required and enjoined to hold and conduct the said election, and make a return thereof in manner and form as by law is directed and required.

Given under my hand and the Great Seal of State, at Harrisburg, this twenty-fifth day of January, in the year of our Lord one thousand eight hundred and forty-eight, and of the Commonwealth the seventy-second.

By the Governor.

J. MILLER,

Secretary of the Commonwealth.

A writ similar to the above issued to Charles Ihrie, Sheriff of Lehigh county, on the same day.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, March 17, 1848.

Gentlemen:—

I NOMINATE CHARLES TINGLEY, TO BE AN associate judge of the court of common pleas of Susquehanna county, in the room of Calvin Leet, removed from the district.

I also nominate Thomas J. Lowrey, to be an associate judge of the court of common pleas for the county of Crawford.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Annul the Marriage Contract Between Edwin W. Wiltbank and Elizabeth, his Wife.

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO ANNUL the marriage contract between Edwin W. Wiltbank and Elizabeth, his wife," has been presented for my approbation.

On examination of the case, I find that the act is prayed for by Mrs. Wiltbank, on account of the intemperance and desertion of her husband. She states in her petition, that they were married in March, A. D. 1838, and that from that time until the month of March, 1846, or thereabouts, she lived with the said Edwin W. Wiltbank, as his wife; that during the greater part of that period, he was intemperate, and that since the said month of March, he has absented himself from her; and that she does not know where his residence is, or whether he has any. The testimony adduced in the case, proves his general habits of intemperance, and that on two occasions he was



grossly intoxicated, on one of which, he was taken to the almshouse; but there is no evidence of his habits or his whereabouts, for the last eighteen months. He may now be a sober man, for aught that appears in the testimony to the contrary, and it can only be inferred that he is not so from his former habits. The evidence, therefore, seems insufficient to authorize the divorce on the ground of confirmed and continued intemperance. That there may be cases of such gross and confirmed intemperance, as would sanction the granting of divorces, without producing such conduct as would bring them within the provisions of the act of Assembly, granting power over the subject, to the courts, I am not prepared to deny, yet I apprehend they are of rare occurrence.

The degrading character of the vice of intemperance, is well calculated to excite the deepest sympathy for those who have made such unfortunate alliances. The best interests of society, however, demand extreme caution in recognizing mere habits of intemperance as a sufficient cause for disturbing the solemn obligations of the matrimonial contract. The proof, at all events, of their continuance and hopeless character, ought to be conclusive. Nothing should be left to inference in a matter so important to the parties concerned, and to the best interests of society.

In regard to the other cause on which the application is based, that of the desertion of the husband, it is uncertain from the statement in the petition, whether the two years of continued absence, required by the act of Assembly, to give the courts jurisdiction of such cases, has not elapsed. If they have elapsed, there is no legislative power existing to grant the relief prayed for on this account, and if they have not elapsed, the time of their expiration is so near, that it would, in my opinion, be contrary to the sound public policy on which the act of Assembly granting

jurisdiction to the courts in such cases, is based, for the Legislature to take the case out of the hands of the judiciary, where all the facts can be fully and fairly investigated.

Entertaining these opinions, I am constrained by a sense of duty, to return the bill to the Senate where it originated, without my approval.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, March 20, 1848.

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To the Assembly Transmitting the Report of the  
Board of Revenue Commissioners.

Gentlemen:—

**I** HAVE RECEIVED FROM THE BOARD OF Revenue Commissioners, appointed under the provisions of the act of 29th April, 1844, and recently in session in this place, their final report:

By the provisions of the act under which the Board is appointed, this report is directed to be delivered to the State Printer, and to be printed agreeably to the directions of the act to create permanently the office of State Printer. As the Legislature, however, is now in session, and as the report, no doubt, contains much useful information, and many valuable suggestions in regard to improving the revenues of the Commonwealth and equalizing taxation, so as to do justice, as far as may be practicable, to all the citizens of the State, I have thought it due to the members of the Board, who have devoted their time and talents to the subject, as well as to yourselves and the interests of the Commonwealth, to present the result of their labors directly to you for consideration. The importance of revising and amending our revenue

laws, so as to distribute as equally as possible the burthen of taxation upon all our citizens, in proportion to their capital and means, demands the most serious attention of the General Assembly.

That the resources of the State are ample without increasing the taxes of those who now make full returns of their taxable property and where it is fairly valued, not only to sustain the credit of the State, but also to establish, permanently, a sinking fund to discharge a portion of the public debt annually, I cannot doubt. The proper development of these resources for revenue purposes, so that each may be made to contribute its just proportion with a view to sustaining the credit of the State and the ultimate liquidation of the public debt, is an object the people have much at heart, and one which imperatively demands the attention of the representatives, to the exclusion of those of local and minor importance.

The credit of the State is now happily restored, and its permanent maintenance ought to be placed beyond the reach of all ordinary casualties and contingencies. Entertaining these views, I most respectfully but earnestly recommend the whole subject to the immediate and serious attention of the Legislature.

FRS. R. SHUNK.

Executive Chamber,

Harrisburg, March 21, 1848.

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To the Assembly Vetoing "An Act to Incorporate the Reading, Lebanon and Harrisburg Telegraphic Company."

Gentlemen:—

I HAVE RECEIVED THE BILL, ENTITLED "AN act to incorporate the Reading, Lebanon and Harrisburg telegraphic company." It provides for making, using and maintaining telegraphic lines and

communications between the city of Reading, and the boroughs of Lebanon and Harrisburg, and intermediate towns and villages, with power to make, connect, use and maintain these lines of telegraph, with lines of like kind in and out of the State.

In a message which I had the honor to present to the Legislature on the 17th day of February last, upon returning the bill, entitled "An act to incorporate the Ocean, Delaware and Philadelphia telegraphic company," I expressed my objections to investing these companies with special privileges, and thus enabling them to secure by legislative charters, unrestricted powers, at this early period when the subject is imperfectly understood, powers which may, when the capabilities of telegraphic communications shall be fully developed, be most injurious to the public good. To this message, which is printed on the Senate Journal, page 292, I respectfully refer. The objections it contains, apply generally with full force to the bill before me.

I will add, that there is not, in my opinion, any reasonable demand existing for legislation upon this subject. All the great lines of telegraphic communication throughout the Union, which have been erected, are, as I have been informed, the work of individuals, who have associated for the purpose. In truth, in the construction of these lines belongs appropriately to individuals, and does not require corporate privileges. The whole cost contemplated, of the line to be constructed under this bill, is only ten thousand dollars, and will probably not exceed seven or eight thousand. This expenditure is so entirely within the compass of individual means, as to present no claims whatever, for the grant of special privileges in order that it may be made.

With these my objections to its passage, I have di-



rected the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 5, 1848.

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To the Assembly Vetoing "An Act to Extend the Charter of the Bank of Chambersburg."

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO EXTEND the charter of the Bank of Chambersburg," has been presented for my approval.

The charter of this bank will expire by its own limitation, on the first Wednesday of May, 1850, and the present bill proposes to extend it for a further period of ten years from that date. The bills to extend the charters of the Farmers' and Drovers' Bank of Waynesburg, the Columbia Bank and Bridge Company, and the Farmers' and Mechanics' Bank of Philadelphia, are also before me. The charters of these institutions will expire by their limitations, in May and November, 1849, and it is proposed to extend each of them for ten years from the time of their expiration.

The importance and responsibility of giving or withholding my sanction to the renewal of the charters of these institutions, as well as others of a similar character, which may be presented during the present session, has induced me to bestow upon the subject my most serious consideration.

The great injuries which have been inflicted upon the whole people, but more especially upon those who are entirely dependent upon their daily wages for the subsistence and comforts of themselves and families.

by the failure of banks and the depreciation of bank paper, demand at the hands of those entrusted with the power of legislation on the subject, the utmost caution and deliberation, before they extend a system which has, in so many instances, proved itself vicious and deceptive, and ruinous to the laboring and producing portions of the people.

In the annual message, presented to the General Assembly at the commencement of the present session, I took the occasion to present the following views on the subject.

"Nothing can contribute so much to the maintenance of our present prosperity, as a sound currency. Pennsylvania is rich in productions of almost every description required by the wants of mankind; and nothing is necessary to make her people the most independent in the world, but a proper regard for her true interests. To advance these, she must not be seduced from her devotion to sound principles, by the artificial contrivances of false economists, whose selfish theories are as delusive as they are destructive of the public good.

"The present is a most propitious period, when there is an abundance of gold and silver in the country, to make a determined effort to increase its circulation, and secure to the people the currency which the wisdom of the framers of the Constitution of the United States provided. Instead of creating new banks, or increasing the capital of old ones, our effort should be directed to secure the solvency of those which already exist, and thereby render their circulation sound and reliable.

"Impressed with the force of these considerations, I am convinced that the increase of the banking capital of the State, would be unwise and impolitic; and I respectfully recommend that before any one of the existing banks is re-chartered, a searching scrutiny be

instituted into its affairs, its management, its credit, and its means; and if it be found that the notes have been suffered to depreciate; that the accommodations have been bestowed upon favorites, and large speculators, and dealers in money, instead of being diffused among moderate and safe customers; that the issues have at one period encouraged speculations by their excess, and at another oppressed honest industry by their contraction; in short, that the legitimate objects for which the privileges were granted, have not been by fair, faithful, and judicious management accomplished, then the charter should be suffered to expire by its own limitation. The discontinuance of such institutions will promote the public good, and will be hailed with approbation by all but those who have, for private gain, wrested them from the purpose for which they were established.

“This policy so just towards the public, while it may to a moderate extent, diminish the present amount of banking capital, will strengthen public confidence in the other banks, and add to the stability and soundness of the currency. And as it may, also, increase the profits of existing banks, beyond a just compensation to the shareholders for their investments, and as this excess of gain is derived from the special privileges conferred upon them by the Legislature, I recommend, that the tax imposed by the act of the 1st April, 1835, upon dividends exceeding six per cent. per annum, be increased. While the inducement to excessive banking will be reasonably checked, by the increase of this tax, the finances of the State may be, to some extent, improved and the public welfare promoted. The policy indicated will lead to the rigid execution of the law, prohibiting the circulation of foreign notes, under the denomination of five dollars, as soon as the balance of the relief issues is cancelled. This will be a positive advance in the im-

provement of the currency, which should be then followed by a law prohibiting the circulation of all notes below the denomination of ten dollars. The channels of circulation will then be filled with an abundance of gold and silver, the public secured against the chances of loss by broken banks, and a depreciated currency; and the way will be opened to such further improvements as the real interests and convenience of the people may demand.

"The cautionary enactments I have suggested, cannot fail to increase, rather than diminish, the amount of a sound circulating medium, fully entitled to the public confidence. The effect will be to bring the specie of the country into active circulation, to furnish the people with a substantial currency, that cannot be impaired by bank failures, and to restrain the tendency of the banks to foster extravagance, in time of prosperity, and check the means of oppression in time of adversity.

"A theory has been advanced and put into practice, in some of the States, called free banking. It is based, in part, upon specie, and in part upon State stocks, hypothecated with the government. In other words, banks become the creditors of the Commonwealth, by purchasing her bonds; these are deposited with the government, and the government endorses and returns to the bankers, notes prepared for circulation to an equal amount. I can perceive no grounds for confidence in this system. It must explode, in a country where it is adopted to any considerable extent, whenever a revulsion occurs to test its stability, for it is a deviation from true principles. Sound and safe banking can only be based and conducted on money, gold and silver. Neither individuals nor banks can lend that which they have not; and if they lend credit in the shape of bank notes, without the means to redeem them in gold and silver, they



commit a fraud upon the community, as they lend and put in circulation, that which is not money nor the representative of money.

“If this system of converting State stock into banking capital, and hypothecating it as a security for the payment of bank issues, were not a delusion, mortgages upon real estate, might be used for the same purposes, which would afford an equal, if not a better security, for the payment of the notes, and by this process, the whole value of the real estate of the country, might be converted into banking capital, and the people into a nation of bankers. This proposition shows, that the whole scheme is illusory and unsound. Free banking, in its legitimate sense, is the right which every man enjoys to lend his own money to whom he pleases. It is the exchange of money for securities, to repay with interest. It involves no fictitious increase of the circulation, but may be carried on to an indefinite extent without affecting the currency.—This is the free banking, which has at all times supplied, and does now supply, the wants of a large proportion of borrowers, and commends itself to general confidence and approval, by its simplicity and adaptation to the circumstances of the people.”

In recommending, “that before any one of the existing banks is re-chartered, a searching scrutiny be instituted into its affairs, its management, its credit and its means, and if it be found that the notes have been suffered to depreciate—that the accommodations have been bestowed upon favorites and large speculators, and dealers in money, instead of being diffused among moderate and safe customers—that the issues have at one period encouraged speculation, by their excess, and at another oppressed honest industry, by their contraction—in short, that the legitimate objects for which the privileges were granted, have not been fair, faithful and judicious management accomplished,

then the charter should be suffered to expire by its own limitation," I intended that the investigation should be rigid and thorough, and that the charter should not be renewed, as a mere matter of course, without examination, as has generally been the case heretofore. The time for the mysterious secrecy which has so long shrouded the transactions of banking institutions, has gone by. When they apply to the Legislature for a renewal of privileges, they should come with clean hands, and ought to be required to give the most satisfactory evidence of the character of their discounts, and the nature and value of all their assets, and of their faithfulness in the execution of the trust confided to them. It is only by requiring such testimony, that a reliable opinion can be formed as to their solvency, and their title to perfect confidence.

In regard to the bill immediately before me, as well as the others referred to, so far as I am informed, no such investigation has taken place, nor indeed any, beyond the examination of their quarterly statements, and the representations of those immediately interested. These statements, it is well known, furnish little information which can be relied on as satisfactory, in regard to the solvency of the institutions. It is only by a rigid inquiry into the character of the notes and bills discounted, and of all the assets, that any valuable and practical result can be attained.

In withholding my approbation from the bill under consideration, as well as the others to which I have referred, I do not mean to intimate the most remote suspicion in regard to their solvency or management. So far as I know, they are as sound as any other banks in the State, and may have been as well conducted. Indeed, some of them sustain as fair a reputation as any in the State; but the time has arrived when the public interests demand that no bank should be re-

chartered, without the most thorough scrutiny into its condition and management; and it was only on condition of such an investigation being first had, that I expressed a willingness to give my assent to the re-charter of any bank. In creating or renewing institutions which are to furnish the circulating medium of the State, and which every man in business is compelled, from the habits and customs of the country, to receive as money, nothing should be taken for granted, or left in doubt, which is susceptible of satisfactory proof. By pursuing the course indicated, those institutions which are unsound will be detected and exposed, and the community may be protected against fraud and imposition, while those that are sound, and honestly conducted, will receive the confidence they merit.

As none of the charters of the institutions which are now before me for a renewal of their privileges, will expire before the 1st of May, 1849, I cannot perceive that they will suffer any material detriment, or that the public interests can be jeopardized by the postponement of their applications for another year. I am the more persuaded that this is the true course, from the fact that I am fully satisfied there are yet many valuable provisions which ought to be engrafted upon every bank charter in the State, in order to protect the interests of bona fide stockholders, and to secure the people from a recurrence of the evils which have heretofore resulted from the defects of the present system. Much has already been done. The principle of individual liability, which was for a long time pertinaciously resisted, as destructive of the whole system, has been established, and is now received with favor, not only by the people at large, but by many of the most enlightened bankers in the country. It is true, the application of the principle may not yet be perfect, but that its introduction, even in its

modified form, will have a salutary influence, by producing more caution and care on the part of stockholders in regard to the management of the banks, as well as by affording a better ultimate security to their creditors, will not be denied.

Having attained this point, it is our duty to progress with the advance of enlightened public opinion, and to provide such other reasonable and wholesome restrictions as the public interests require, and as the public sentiment demands. Among the further restrictions which have occurred to me as practicable and proper are the following:

1st. On restricting the amount of issues to a less proportion to their capital. They are now generally authorized to issue three times the amount of their capital. This is too much, and ought to be reduced. It is the main cause of those fatal expansions and contractions, which have heretofore proved so destructive to the best interests of the country. The amount of debts they are permitted to contract, ought also to be reduced, so as to restrain their operations at all times within reasonable and safe limits.

2nd. The banks of the State ought all to be required to keep their notes at par in the city of Philadelphia. It is the products of the country which are sent to the eastern markets, that form the legitimate basis of bank discounts in the country, and as the country banks have the benefit of the country circulation, and the advantage of discounting the bills and drafts on the eastern cities, where they receive par funds in payment, it is asking but a small return for the favors conferred upon them, that they should keep their paper at par. This would put an end to a system of brokerage and speculation, which indirectly robs the people of the interior of many thousands of dollars annually.

3d. Banks ought to be treated as public institutions,



because they furnish the currency of the State, and effect the pecuniary interests of the people more than any other institutions of the country. The directors ought to be placed under oath, and sworn to observe the provisions of the charters, and any wilful violation of them, ought to be made perjury. The whole proceedings of the banks should at all times be open to the inspection of any reasonable number of the stockholders, to a committee of the Legislature, and to any officer of the State duly authorized.

4th. A failure to redeem their notes on demand, in specie, ought, in itself, to be an absolute forfeiture of their charter, except as to winding up their concerns, and for any act done as a bank after such failure, the fact ought to be allowed to be given in evidence as a bar to any suit in relation to any banking operation, subsequent to such failure.

5th. After a lapse of a few years, they ought not to be permitted to issue paper of a denomination below ten dollars.

These are some of the most prominent provisions, which ought, in my opinion, to be engrafted on our banking system, and applied to every bank in the State; and I cannot perceive any time so favorable for their adoption, as when the banks are asking an extension of their charters.

No extreme measures towards the banks, that are calculated to disturb or derange the business habits of the community, are desirable, but the people have a right to expect from every public functionary, who has it in his power to contribute in any degree to the correction of the evils of a system, which has heretofore been productive of so much mischief, his best exertions to prevent the recurrence of these evils.

Entertaining the views I have expressed, and the belief that no injury can be sustained by delay, I have come to the conclusion at present to withhold my

assent to these bills. By the postponement, the banks will have time to prepare and exhibit satisfactory proof of their condition and management, which is not now before me, and some well digested amendments to the system, calculated still further to mitigate if not eradicate its defects, may be matured.

For these reasons, I have directed the bill to be returned without my approbation to the Senate, in which it originated.

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 7, 1848.

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To the Assembly Vetoing "An Act to Extend and Continue the Charter of the Farmers' and Mechanics' Bank."

Gentlemen:—

I HAVE DIRECTED TO BE RETURNED TO THE Senate, where it originated, without my signature, the bill, entitled "An act to extend and continue the charter of the Farmers' and Mechanics' Bank." For the reasons why my assent to this bill is withheld, I respectfully refer to the message of this day, containing my objections to a similar bill, entitled "An act to extend the charter of the Bank of Chambersburg."

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 7, 1848.

To the Assembly Vetoing "An Act to Extend and Continue the Charter of the Farmers' and Drovers' Bank of Waynesburg."

Gentlemen:—

**I** HAVE DIRECTED TO BE RETURNED TO THE Senate, where it originated, without my signature, the bill, entitled "An act to extend and continue the charter of the Farmers' and Drovers' Bank of Waynesburg." For the reasons why my assent to this bill is withheld, I respectfully refer to the message of this day, containing my objections to a similar bill, entitled "An Act to extend the charter of the Bank of Chambersburg."

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 7, 1848.

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To the Assembly Vetoing "An Act to Extend and Continue the Charter of the Columbia Bank and Bridge Company."

Gentlemen:—

**I** HAVE DIRECTED TO BE RETURNED TO THE Senate, where it originated, without my signature, the bill, entitled "An act to extend and continue the charter of the Columbia Bank and Bridge Company." For the reasons why my assent to this bill is withheld, I respectfully refer to the message of this day, containing my objections to a similar bill, entitled "An Act to extend the charter of the Bank of Chambersburg."

FRS. R. SHUNK.

Executive Chamber,  
Harrisburg, April 7, 1848.

To the Assembly Vetoing "An Act to Annul the Marriage Contract Between William A. S. Van Duzer and Martha Ward Van Duzer, his Wife."

Gentlemen:

THE BILL, ENTITLED "AN ACT TO ANNUL THE the marriage contract between William A. S. Van Duzer and Martha Ward Van Duzer, his wife," has been presented for my approval.

It appears that the parties to this contract were residents of the State of New York, and that subsequently to the marriage, the conduct of the husband, towards his wife, was cruel and barbarous, which terminated in his expelling her from their residence and forbidding her return. If the parties were residents of Pennsylvania, the case would come within the jurisdiction of the courts, under the divorce law of 1815, and the fourteenth section of the first article of the Constitution, would prevent legislative interference. But the contract has been made in another State, by citizens of that State, subject to the control of their Constitution and laws; and whether other states have power to repeal a contract thus made, may well be questioned.

This case in many respects bears a strong resemblance to that of Eliza Allen Whale, returned to the House of Representatives on the 20th of February, 1847, with my objections, which are printed on the Journal of that House, Vol. I, page 335, to which I respectfully refer. I will here quote an extract from these objections, which in my opinion, applies directly to the bill before me: "It is by no means clear that the Legislature has power to interfere, but if the power does exist, the propriety and policy of exercising it, may well be questioned. We are bound to presume that the laws, the courts and the legislatures of our sister States, as well as those of our own, afford ade-



quate remedies in accordance with the sentiments of the people of the respective States in regard to public policy, for all the mischiefs and cases of hardships which may arise among the people within their several jurisdictions. It therefore seems to me that there is, in some degree, a want of proper respect for the institutions and people of a sister State, in interfering to afford relief to her citizens which it is competent for her to grant, or which she may have declined on principles of public policy. At all events, it is not the true policy of Pennsylvania to encourage such applications."

With these, my objections to its becoming a law, I have directed the bill to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, April 10, 1848.

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To the Assembly Vetoing "An Act to Incorporate the American Telegraph Company."

Gentlemen:

THE BILL, ENTITLED "AN ACT TO INCORPORATE the American Telegraph Company," for establishing a telegraphic line from Harrisburg to Baltimore, has been presented to me for signature.

The more I reflect on this subject, the more strongly I am convinced that the incorporation of these companies is not only premature, but most probably will interfere with the public good.

For my objections to granting these corporate privileges, I respectfully refer to the message presented on the 17th February last, returning the bill, entitled "An act to incorporate the Ocean, Delaware and Philadelphia Telegraphic Company," and to the message of this day, containing my objections to a bill with a sim-

ilar title, and also to the message presented on the fifth of April instant, upon returning the bill to incorporate the Reading and Harrisburg Telegraph Company.

With these objections to the passage of the bill, I have directed it to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, April 10, 1848

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To the Senate Nominating John C. Knox to be President Judge of the Tenth Judicial District.

Executive Chamber,  
Harrisburg, April 10, 1848.

Gentlemen:

I NOMINATE JOHN C. KNOX TO THE OFFICE of president judge of the Tenth Judicial district, composed of the counties of Westmoreland, Armstrong, Indiana and Cambria.

FRS. R. SHUNK.

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To the Assembly Vetoing "An Act to Extend the Charter of the Bank of Delaware County."

Gentlemen:

I HAVE DIRECTED TO BE RETURNED TO THE Senate, where it originated, without my signature, the bill, entitled "An act to extend the charter of the Bank of Delaware County." For the reasons why my assent to this bill is withheld, I respectfully refer to the message of the seventh inst., containing my objections to a similar bill, entitled "An act to extend the charter of the Bank of Chambersburg."

FRS. R. SHUNK.

Executive Chamber, Harrisburg, April 10, 1848.

To the Assembly Vetoing "An Act to Incorporate the Philadelphia and Atlantic Steam Navigation Company."

Gentlemen:

**T**HE BILL, ENTITLED "AN ACT TO INCORPORATE the Philadelphia and Atlantic Steam Navigation Company," has been presented for my approbation.

This bill provides for the incorporation of a company with a capital that may be increased to half a million of dollars, with power to receive, possess, employ and dispose of ships and vessels with their appurtenances, and steam engines and other machinery necessary and proper for the propulsion and navigation thereof, and to hold and use all necessary and convenient easements for lading and unlading, receiving and delivering merchandize, transported or to be transported in such ships and vessels so to be customarily navigated by steam; and further to have all such other rights and powers as may be properly incident to a corporation, having for its object the navigation of the ocean, bays and rivers by steam power, and the transportation of goods, wares and merchandize, and the conveyance of passengers by means of such navigation, to and from the city of Philadelphia.

I believe that from the settlement of the country up to the present period, the transportation of goods, wares and merchandize, and the conveyance of passengers to Philadelphia, and the other ports of the State, from all parts of the world, and from the said city and other ports to all parts of the world, has been successfully and prosperously conducted by individuals relying upon their own vigilance, activity and industry without even asking for corporate privileges.

The merchants and transporters of Philadelphia, have at every period of our history, carried on a profit-

able trade with all parts of the globe, and have been principally instrumental in creating the wealth which has improved, and extended, and beautified the city, and erected the temples dedicated to religion, knowledge and benevolence, and after having for ages successfully conducted this trade with every part of the world, the assumption that it is now necessary or wise or politic to commence the incorporation of companies for the purpose of carrying it on, and that such corporation will improve the business or advance the interests of the city of Philadelphia, is contradicted not only by the history and experience of that city, but by the history and experience of our other principal ports, Pittsburg and Erie. Individual enterprize, prompted and regulated by individual responsibility, has covered our great lakes in the northwest, and our mighty rivers in the west and in the east with steam boats, and by thus opening avenues to market, contributed mainly in stretching the hand of improvement and civilization over an immense region of the finest country of the world. The people of the West, like the people of Philadelphia, regarded the transportation of goods and the conveyance of passengers upon the ocean, the lakes and the rivers, as being within the compass of individual means, they would not ask for, or suffer their generous, self-relying energy to be depressed by being placed under the tutelage and management of a corporate guardianship of their own creation. Every aspect in which I can view this subject, furnishes triumphant refutations of the assumption indicated by this bill, that it is necessary, in order to maintain and advance the prosperity of the city of Philadelphia, to incorporate companies for the transportation of goods, wares and merchandise, and the conveyance of passengers to and from the city. If this is wise and proper, then it is equally wise and proper



to incorporate the several owners of the steamboats that navigate the western rivers, in Pittsburg, and the owners of the steamboats and vessels on the lakes, who reside in Erie. Is it possible that individual means were adequate to conduct the trade of the State, when the country was comparatively poor, the art of building ships had not been perfected, and when the application of steam for the purpose of navigation was unknown, but that now when the country is rich, when ship building has been vastly improved, and the power of steam has been subjected to man's will, and applied with great advantage to navigation, individual means are no longer adequate; but that merchants and transporters, in order that they may be induced to enter upon this enterprize, must be sheltered by having placed around them special privileges? This assumption cannot be true.

I will add that in the first address I had the honor to present to the Legislature, I stated, as primary principles of our government, "that the grant of peculiar privileges to some is repugnant to our whole system, the intent of which is to make firm the equal rights of all, and that men associated for gain, should in common with others, be liable individually for all their joint engagements." These principles, so plain, so just, and so well approved, are directly opposed to the bill before me, and add in my opinion, great force to the objections to its becoming a law.

Besides the universal practice and experience of the country are arrayed against the policy of chartering commercial companies. These enterprizes belong peculiarly and properly to the watchfulness, energy and industry of individuals excited and animated by the hope of gain on the one hand, and the dread of loss in consequence of personal liability on the other.

With these reasons for withholding my signature

from the bill, I have directed it to be returned to the Senate, where it originated.

FRS. R. SHUNK.

Executive Chamber, Harrisburg, April, 1848.

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Letter of Condolence to the Widow of John Quincy Adams, formerly President of the United States.

Executive Chamber,  
Harrisburg, April 17, 1848.

Madam:

I PERFORM A MELANCHOLY BUT GRATEFUL office in transmitting to you the enclosed resolutions of the Legislature of Pennsylvania. The tribute which they inscribe upon the annals of this Commonwealth, to the eminent merits of your husband, is only a just expression of the undivided sentiments of our people. We feel as with one heart, that a great man has been stricken down from amongst us, in the rich maturity of his fame; a man revered in council, strong in the energies of patriotism, and rightfully endeared to his country.

I pray you, Madam, to accept for yourself and your family, the condolence and sympathy of the Commonwealth of Pennsylvania, in the affliction with which Providence has visited you, and to permit me to add the assurances of my highest personal respect.

FRS. R. SHUNK.

Mrs. John Quincy Adams.

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Resignation of the Office of Governor.

To the People of Pennsylvania:

IT HAVING PLEASED DIVINE PROVIDENCE to deprive me of the strength necessary to the further discharge of the duties of your Chief Magistrate, and to lay me on a bed of sickness from which

I am admonished by my physicians, and my own increasing debility, I may in all human probability, never rise, I have resolved upon mature reflection, under a conviction of duty, on this day, to restore to you the trust with which your suffrages have clothed me, in order that you may avail yourselves of the provision of the Constitution to choose a successor at the next general election. I, therefore, hereby resign the office of Governor of the Commonwealth of Pennsylvania, and direct this, my resignation, to be filed in the office of the Secretary of the Commonwealth.

In taking leave of you under circumstances so solemn, accept my gratitude for the confidence you have reposed in me. My prayer is, that peace, virtue, intelligence and religion may pervade all your borders—that the free institutions you have inherited from your ancestors may remain unimpaired till the latest posterity—that the same kind Providence, which has already so signally blessed you, may conduct you to a still higher state of individual and social happiness—and when the world shall close upon you, as I feel that it is soon about to close upon me, that you may enjoy the consolations of the Christian's faith, and be gathered, without a wanderer lost, into the fold of the Great Shepherd above.

FRS. R. SHUNK.

Harrisburg, July 9, 1848.







*John D. Johnston*

WILLIAM FREAME  
JOHNSTON,  
Governor of the Common-  
wealth.  
1848-1852.



## Chapter II.

WILLIAM FREAME JOHNSTON.

Governor of the Commonwealth.

1848-1852.

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**M**EN OF GENUINE SINCERITY DISPLAY THAT characteristic most conspicuously under the strongest pressure. The fact that Governor Shunk's resignation was written upon the last day possible to allow of a special election for his successor and the fact that his temporary successor could not receive information of the fact for several weeks later, opened the way for the latter—if an unscrupulous person—to seize the reins of government regardless of the consent of the people, with absolute technical correctness. Mr. Johnston promptly rejected such action and received his reward in the election to the Governorship for the full term.

Of Scotch-Irish blood, Mr. Johnston was born at Greensburg in 1808. Like many of his predecessors, his early educational advantages were limited but supplemented by private study to such an extent that he was easily able to surpass many who had received greater opportunities. He was admitted to the bar at the age of twenty-one. Engaging in practice in Armstrong county, his abilities soon commanded attention, and he was early appointed District Attorney



for his county. From 1836 to 1841, he represented his county in the Legislature and in 1847, he was elected to the Senate of which he was immediately made Speaker.

Upon the resignation of Governor Shunk, he became under the Constitution, the temporary Executive, and, waiving the technical construction of the law by which he might have filled out the unexpired term without election, he issued writs for the election of a Governor. The election resulted in the choice of Mr. Johnston for the full term.

Governor Johnston was an ardent protectionist, recognizing that the utilization of the vast natural resources of the State, required only a market to bring to the public the enormous profits which have since been developed by means of protection. Believing that protection and development went hand in hand, he neglected no opportunity to advocate the former that the latter might follow.

During his administration the legal provision, which permitted slaves to be retained in the State for six months by their masters, was repealed and the use of the jails for the detention of fugitive slaves was prohibited. The passage of the Fugitive Slave Law by Congress, however, nullified these provisions, and Governor Johnston, opposed all attempts to violate the act, believing that it should be obeyed while it stood upon the statute books, but that meanwhile every possible effort should be made to repeal it by legitimate measures.

The establishment of the *Archives* of the State is due to his statesmanlike prevision, and as a result of

his recommendation, the *Colonial Records* and the first series of *Pennsylvania Archives* were published under the editorship of Samuel Hazzard,—the *Records* comprising the Minutes of the Provincial Council, the Committee of Safety, the Council of Safety, and the Supreme Executive Council, and the *Archives*, consisting of various documents relating to the history of Pennsylvania from 1748 to 1790. Both of these series are now out of print.

Upon the conclusion of his term as Governor, he entered active business life, became President of the Allegheny Valley Railroad, and was interested in the mining and manufacture of iron, salt, petroleum and other natural products of the State. President Johnson appointed him Collector of the Port of Philadelphia, but owing to the antagonism between the President and the Senate his nomination was rejected. He died at Pittsburg, October 25, 1872; his service as Governor extended from July 9, 1848, to January 20, 1852.

Proclamation Announcing the Succession of William F. Johnston as Governor and Continuing all Executive Appointments for the Term of Six Months.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas on the 26th day of July, A. D. 1848 William F. Johnston of the County of Armstrong, Speaker of the Senate of this State, took the oath of Office as Governor of this Commonwealth in conformity with the provisions of the Constitution.

Now in pursuance of the power and trust to the Governor of this Commonwealth, by the Constitution and laws granted and confided, and for preventing all failures in the administration of justice, I the said William F. Johnston, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued for the term of six months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled. And I do further direct and enjoin all public officers engaged in the several departments of the Government to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth

Given under my hand and the Great Seal of State at Harrisburg this First day of August in the year

of our Lord One thousand eight hundred and forty-eight; and of the Commonwealth the Seventy-third.

By the Governor

Townsend Haines,

Secretary of the Commonwealth.

Proclamation Directing an Election for Governor to Supply the Vacancy Occasioned by the Resignation of the Honorable Francis R. Shunk.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas Francis R Shunk late Governor of this Commonwealth on the Ninth day of July in the year of our Lord One thousand eight hundred and forty-eight by an instrument of Writing, signed in the presence of Witnesses and filed in the Office of the Secretary of the Commonwealth, resigned the Office of Governor of the Commonwealth of Pennsylvania.

And whereas by the Fourteenth Section of the Second article of the Constitution of this State it is declared that "in case of the death or resignation of the Governor, or of his removal from office the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified. But in such case another Governor shall be chosen, at the next annual election of representatives, unless such death, resignation or removal shall



“occur within three Calendar months immediately preceding such next annual election; in which case a Governor shall be chosen at the Second Succeeding annual election of Representatives.”

And Whereas by An Act of the General Assembly of this Commonwealth passed the Second day of July in the Year of our Lord One thousand eight hundred and thirty-nine, it is made “the duty of the Speaker of the Senate or whoever shall be in the exercise of the office of Governor, in case any vacancy shall occur in the Office of Governor of this Commonwealth more than three Calendar months next preceding the Second Tuesday of October, in any year,” “to issue Writs to the Sheriffs of the several Counties requiring them to give the usual notice, that an election to supply such vacancy will take place on the Second Tuesday in October next thereafter, and when such vacancy occurs within three Calendar months before the Second Tuesday in October, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the Office of Governor, to issue his Writs as aforesaid requiring notice of such election on the Second Tuesday in October next, after the issuing of said Writ, and in each case said Writ shall issue at least three Calendar months before the election.”

And Whereas the resignation of the late Governor Francis R. Shunk; although not made “within three Calendar months immediately preceding the next annual election,” and hence by the terms of the Constitution, creating the necessity that another Governor should be chosen at the next annual election of Representatives, was executed at a time which rendered a literal compliance with the Act of Assembly in relation to the issuing of Writs to the Sheriffs of the Several Counties impossible.

And Whereas by the Constitution it is imperative that “another Governor shall be chosen at the next

annual election of Representatives," and the act of Assembly referred to, being merely directory of the manner in which the requirements of the Constitution shall be carried into effect, after a careful examination of the whole subject and due deliberation thereof, it is deemed right to issue Writs to the Sheriffs of the Several Counties of the State, (and they are therefore issued accordingly) in the same manner and to have like force and effect as though they had been issued at least three Calendar months before the election.

Now therefore I William F. Johnston Governor of the Commonwealth of Pennsylvania by Virtue of the authority in me vested by the Constitution and laws of the said Commonwealth, do issue this Proclamation, to all Sheriffs of the Several Counties, and to all Judges, Inspectors and other officers of Elections and to all person and persons authorized and required by law to do and perform, and to have done and performed, any and every act, matter and thing in relation to the holding of the elections in the several election districts of the State, requiring and enjoining of them and every of them, in the election for Governor, to be held to supply the vacancy occasioned by the resignation aforesaid, and in making return thereof to the proper officers, the exercise of their duties, powers and authorities in like manner and to the like extent as fully and amply as though the Act of Assembly had been literally complied with, and the said Writs had issued more than three Calendar months before the said election.

Given under my hand and the Great Seal of State at Harrisburg this Twelfth day of August in the Year our Lord One thousand eight hundred and forty-eight and of the Commonwealth the Seventy-third.

By the Governor

Townsend Haines,

Secretary of the Commonwealth.

Proclamation of the Election of Electors of President  
and Vice President—1848.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas it is provided in and by an Act of the General Assembly of this Commonwealth entitled "An Act relating to the elections of this Commonwealth," passed on the second day of July 1839, that the Secretary of the Commonwealth having received the returns of the Votes given for electors of President and Vice President of the United States, shall lay the same before the Governor, who shall enumerate and ascertain the number of Votes for each person voted for, and shall thereupon declare by Proclamation, the names of the persons duly elected,

And Whereas it appears by the returns laid before me of the election for electors held on tuesday the seventh day of November instant that John P. Sanderson, Thomas M. T. McKennan, Joseph G. Clark-son, John P. Wetherill, James M. Davis, Thomas W. Duffield, Daniel O. Hitner, Joshua Dungan, John D. Steele, John Landes, Joseph Schmucker, Charles Snyder, William G. Hurley, Francis Tyler, Henry Johnson, William Colder, William McIlvain, Charles W. Fisher, Andrew G. Curtin, Thomas R. Davidson, Joseph Markle, Daniel Agnew, Andrew W. Loomis, Richard Irwin, Thomas H. Sill, & Samuel A. Purviance, are the persons duly elected electors of a President, and Vice President of the United States, to serve at the election in that behalf to be held at the

Seat of Government of this state (being the Borough of Harrisburg in the County of Dauphin) on the first Wednesday of December next agreeably to the said Act of the General Assembly of this Commonwealth and the Constitution and Laws of the United States in such Case made and provided.

Given under my hand and the Great Seal of the State at Harrisburg this fifteenth day of November in the year of our Lord one thousand eight hundred and forty-eight and of the Commonwealth the Seventy third

By the Governor,

Townsend Haines,

Secretary of the Comm'th

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Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress—1848.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by an Act of the General Assembly of this Commonwealth passed the Second day of July A. D. 1839, entitled "An Act relating to the Elections of this Commonwealth," it is made the duty of the Governor, on the returns of the election of the Members of the House of Representatives of the United States, by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons,



so returned as elected in the respective districts: And Whereas the returns of the General Election held on tuesday the tenth day of October instant, in and for the several districts for members to serve in the House of Representatives of the Congress of the United States, for the term of two Years, from and after the fourth day of March next, have been received in the Office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act, whereby it Appears that in the First district, Composed of Southwark, Moyamensing, and Passyunk and Cedar Ward, and New Market Ward of the City of Philadelphia, Lewis C. Levin, has been duly elected, In the Second district Composed of the City of Philadelphia, except Cedar Ward, and New Market Ward Joseph R. Chandler has been duly elected. In the Third district, Composed of the Northern Liberties and Spring Garden in the County of Philadelphia, Henry D. Moore, has been duly elected, In the Fourth district Composed of Kensington, North and South Penn, Roxborough, Germantown, Bristol, Unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia and Kingsessing in the County of Philadelphia, John Robbins, Jr, has been duly elected, In the Fifth district Composed of the Counties of Delaware and Montgomery, John Freedley, has been duly elected, In the sixth district Composed of the Counties of Bucks and Lehigh, Thomas Ross, has been duly elected, In the Seventh district Composed of the County of Chester, Jesse C Dickey, has been duly elected, In the Eighth district Composed of the County of Lancaster, Thaddeus Stevens, has been duly elected, In the Ninth district Composed of the County of Berks, William Strong has been duly elected, In the tenth district Composed of the Counties of Northampton, Carbon, Monroe, Pike and Wayne, Milo M. Dimmick has

been duly elected, In the Eleventh district Composed of the Counties of Luzerne, Columbia and Wyoming, Chester Butler, has been duly elected, In the Twelfth district Composed of the Counties of Bradford, Susquehanna, and Tioga David Wilmot, has been duly elected, In the Thirteenth district Composed of the Counties of Lycoming, Northumberland, Union, Clinton and Sullivan, Joseph Casey has been duly elected, In the Fourteenth district Composed of the Counties of Dauphin, Lebanon and Schuylkill, Charles W. Pitman has been duly elected, In the Fifteenth district Composed of the Counties of Adams and York, Henry Nes has been duly elected, In the Sixteenth district Composed of the Counties of Cumberland, Perry and Franklin James X. McLanahan, has been duly elected, In the Seventeenth district Composed of the Counties of Centre, Huntingdon, Mifflin, Juniata and Blair, Samuel Calvin has been duly elected, In the Eighteenth district Composed of the Counties of Greene, Fayette, and Somerset, Andrew J. Ogle has been duly elected, In the Nineteenth district Composed of the Counties of Westmoreland, Bedford, and Cambria, Job Mann has been duly elected, In the twentieth district Composed of the Counties of Washington and Beaver, Robert R. Reed has been duly elected, In the Twenty-first district Composed of the County of Allegheny Moses Hampton has been duly elected, In the twenty second district, Composed of the Counties of Venango, Mercer and Crawford John W. Howe has been duly elected, In the twenty third district Composed of the Counties of Erie, Warren, McKean, Clarion, Potter, Elk and Jefferson, James Thompson has been duly elected, and In the Twenty fourth district Composed of the Counties of Butler, Armstrong, Indiana, and Clearfield, Alfred Gilmore has been duly elected

Now therefore, I have issued this Proclamation, hereby publishing and declaring that Lewis C. Levin, Joseph R. Chandler, Henry D. Moore, John Robbins Jr, John Freedley, Thomas Ross, Jesse. C. Dickey, Thaddeus Stevens, William Strong, Milo M. Dimmick, Chester Butler, David Wilmot, Joseph Casey, Charles W. Pitman, Henry Nes, James X. McLanahan, Samuel Calvin, Andrew J. Ogle, Job Mann, Robert R. Reed, Moses Hampton, John W. Howe, James Thompson, and Alfred Gilmore have been returned as duly elected in their several districts before mentioned as representatives of the people of this State in the House of Representatives, in the Congress of the United States, for the term of two years, to Commence from and after the fourth day of March next.

Given under my hand and the Great Seal of State at Harrisburg this twenty sixth day of October, in the year of Our Lord One thousand Eight hundred and forty eight and of the Commonwealth the Seventy third

By the Governor,

Townsend Haines,

Secretary of the Commonwealth

Proclamation of a Day of Thanksgiving--1848.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

A PROCLAMATION.

The performance of duties we owe to the Supreme Disposer of events, is a task no less pleasing than

imperative. To Him, by whose enduring mercy we live; on whom we lean for support; whose arm is our defence, and whose peculiar regard is our glory; who in adversity consoles, in weakness sustains us; and from whom we receive every good and perfect gift; we owe, especially, our adoration and thanks. This obligation is equally peremptory to nations and to individuals. No organization of men, no condition of society, no form of government, can release a people from their duties to God; nor should the seductions of power, the lust of ambition, or the splendour of renown, render them forgetful of the sacred privilege, of addressing to the Throne of Grace and Mercy the language of Thanksgiving and praise.

These truths apply to us, as a nation with special force. With political institutions wisely adapted to our welfare and happiness,—a country abounding with resources for individual prosperity, and national independence;—a climate dispensing health and vigor, and a land yielding to the hand of toil a fruitful abundance;—under the gracious superintendence of a righteous Providence, we have arisen in half a Century from the condition of an infant and dependent nation, and have become a great and powerful people. In the necessary, yet dangerous struggle to enlarge our proportions, to develop our resources, and defend our rights; in the conflict resulting from foreign and domestic intercourse, influenced by opposing interests and national jealousies; in the balancing of powers belonging to the different branches of the national government, and settling the boundaries between reserved and conferred authority; our institutions have been preserved, our national character vindicated, and our liberties secured and perpetuated. To Him, whose “hand is not shortened, that it cannot save; neither his ear heavy, that it cannot hear,” all praise, all glory are due.



The present condition of our Country should awaken our most profound gratitude. The War in which we were recently engaged has terminated, and our citizen soldiers have returned to their homes, crowned with imperishable honors. We mourn, indeed, the loss of many brave men, who fell in battle, or by pestilence; but we have the consolation to know, that they offered up their lives in the service of their country. Their deeds will be remembered, and their memories cherished by their admiring countrymen. The arts of peace have succeeded the clangor of war, and the spectacle is presented of twenty millions of people, reposing under the shadow of free institutions, alarmed by no danger without, agitated by no convulsions within their borders.

When we compare our favored country, with the condition of unhappy Europe, the mind is furnished with lessons of wisdom, and the heart instructed in humanity and reverence. There, a down trodden, and long enduring people, have awakened from the apathy of bondage, and are teaching their oppressors the "ill-husbandry of injustice." It is a lesson which must be written in blood. Hence we behold Crowns trampled under foot; Thrones overturned, and Empires wrested from their possessions:—hence we see the desolation of Kingdoms; the destitution of famishing nations, and hear the lamentations of suffering humanity. A Righteous, a just God, in the exercise of Omnipotent power, has preserved us from these awful calamities. We are in the enjoyment of a government of our choice, which, while it affords protection, dispenses with an even hand, the fruits of evil and religious liberty. These are manifold and precious. We enjoy the delights of peace, and reap in profusion the blessings it distributes. Plenty crown the labors of the field, and from the rich return of our harvest, the destitute of distant lands have been fed.

Throughout our extended country, neither the murmurs of discontent, nor the voice of mourning, nor the cries of want, are heard, for, "our ways are ways of pleasantness, and all our paths are peace."

In the midst of these unnumbered blessings, is it not our duty, will it not be our pleasure to return to Him, from whom they flow, the homage of our adoration and the acknowledgment of our gratitude! ! To His mercy, in our unworthiness, are we indebted for the munificence of His favor; to His gracious, and loving kindness must be attributed the continuance of our national prosperity.

Entertaining these sentiments, and deeply sensible of the necessity of divine aid, to guide and guard us in the path of duty; I do hereby appoint Thursday the 23d day of November next, as a day of Thanksgiving to Almighty God, and do earnestly recommend to the people of the State of Pennsylvania, that it be set apart by all denominations of Christians within this Commonwealth, as a day devoted to Thanksgiving, Prayer and Praise; and that they abstain on that day, as far as practicable, from worldly employments; assemble at their respective places of Public Worship; acknowledge their transgressions; supplicate through the merits of the Redeemer the forgiveness of sins; and with contrite hearts, render to His holy name, the homage of adoration, thanksgiving and praise.

Given under my hand and the Great Seal of the State at Harrisburg this Twenty-eighth day of September in the Year of our Lord one thousand eight hundred and forty-eight, and of the Commonwealth the Seventy third.

By the Governor

Townsend Haines,

Secretary of the Commonwealth.

## Invitation to General Zachary Taylor to Visit Pennsylvania—1848.

Harrisburg, Nov. 22, 1848.

Maj. Gen. Z. Taylor

My dear Sir:

THE PEOPLE OF PENNSYLVANIA WOULD feel themselves greatly gratified in welcoming among them, their favorite and successful candidate for the Presidency. In their behalf and as their Chief Magistrate, I take unfeigned pleasure in extending to you an invitation to visit our ancient Commonwealth, during the ensuing winter. Accept of my congratulations upon the result of the late elections.

I remain, most truly

Your Friend

WM. F. JOHNSTON.

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Baton Rouge, Dec. 9, 1848.

Dear Sir: I have received with much pleasure your letter of the 22d Nov., extending to me in behalf of the people of Pennsylvania a very kind invitation to visit your state during the winter. Were I to consult my own personal inclinations, I should not hesitate to accept your invitation, particularly as it comes to me through so distinguished a source, but my private engagements in the West previous to the 4th of March, will not permit of it. On some fit occasion of relaxation from my public duties at the seat of Government, I shall make it a matter of duty and pleasure to visit you at Harrisburg and greet my fellow-citizens of that city, and such other parts of your State, as may be within convenient distance of it. With my sincere thanks for your kind congratulations, I am, dear sir, with much respect and esteem,

Your most ob't serv't,

Z. TAYLOR.

His Excellency Wm. F. Johnston,  
Governor of Pennsylvania.

## Annual Message to the Assembly—1849.

Fellow Citizens:

**I**N PERFORMING THE RESPONSIBLE DUTIES enjoined by the Constitution on the Executive of the State, a sincere pleasure is felt in addressing, at the commencement of each session of the Legislature, the immediate representatives of the people. To present to them in faithful candor the true position of public affairs—to suggest remedies for known wants—to aid in the enactment of such measures as the interests, happiness, and welfare of the citizens seem to demand, is not the less gratifying that it is made the duty of the Executive Department.

The events of the past year will not fail to teach us the lesson of an overruling Providence, and the gratitude we owe, as a people, for the blessings which, through the wisdom of Almighty goodness, have been vouchsafed to the nation. When the representatives of the people last met, there existed, between our country and a neighboring Republic, a fierce and bitter war. The result, indeed, was not doubtful—for with a people justly celebrated among nations for their unconquerable bravery, unsurpassed skill in military affairs, and their great superiority over their enemies in physical and mental qualities, victory was the necessary consequence—yet the undecided contest was a source of profound regret for the sacrifice of human life, and the expenditure of public and private treasure necessary to the re-establishment of our peaceful relations. It is, therefore, gratifying to know that the war has fully terminated, and that peace, the rational desire of all, sheds again its blessings on every portion of our country. To the Almighty Father, who in mercy turned the hearts of the rulers of both countries to lay aside the sword, to cultivate the spirit of brotherly kindness, and to establish peaceful relations between the citizens of their respective govern-



ments, we owe the deepest and most fervent gratitude. The abundance of our harvests, the blessings of continued and general health, and the preservation of our civil and religious rights, as guaranteed to us by the free institutions of the country—while destitution, misery and convulsed governments, and precarious civil and religious institutions, harass the people of other lands—should produce in our hearts a fervent acknowledgment of His superintending kindness and mercy. In the late contest with Mexico, this Commonwealth was called upon by the National Government to furnish a portion of the troops deemed necessary by the constitutional authorities, to carry the war to a successful issue. With this requisition, it is scarcely necessary to state, our Commonwealth complied with the alacrity which has heretofore distinguished her among her sister Republics. A large volunteer force was instantly placed at the disposal of the National Government, and it is a matter of just pride to their fellow citizens, that in the discharge of every duty, these volunteers maintained the honor of the State, and the renown of their country. The citizen soldier who fortunately escaped death, has returned to his family and friends, after having earned for himself and the State, a reputation for undaunted bravery, for enduring and patient suffering, and manly and heroic virtue, that the future annalist will delight to record. It is due to these patriotic citizens, that this Commonwealth do some act as an acknowledgment of their past illustrious services. To the memory of the dead, who fell in the service of their country, it is the duty of the State to erect a suitable monument, that their bravery and virtue may be enduringly remembered, and their heroic sacrifice emulated in other times, should the honor and safety of the country require it from future generations.

Since the adjournment of the last Legislature, the

chief Executive officer of the Commonwealth, the late Governor Shunk, has sunk beneath the malady which then afflicted him. He died on the 20th day of July, 1848. It will not be deemed improper in me, to say a few words in reference to the character of the illustrious deceased. The late Governor Shunk having spent a large portion of his life in the public service, and having mingled much with his fellow citizens, was well and extensively known throughout the State, and it is with pleasure the circumstance is recalled to my mind, that at one period of his life, I had the honor to enjoy his intimate personal friendship. During our intimacy, it always gave him great pleasure to aid and assist the young and inexperienced, to relieve the distressed, and to impart to his fellow men, by words of kindness and deeds of charity, as large a share of happiness as his condition would allow.

His intercourse with others was courteous, his friendships were lasting, his attachments strong and enduring, while his resentments for injuries were transitory, and made no permanent impression in his bosom. It may with truth be said of Governor Shunk, that he was a sincere friend, a good neighbor, a pure Christian, and an honest man. Such was the reputation he sustained among his fellow citizens, when my intimacy with him gave me a knowledge of his character, and although a difference of political views separated us for many years before his death, his friends, at a later period of his life, have borne testimony that the same purity of intention and desire of well-doing, remained with him until the hour of his dissolution. The Legislature is respectfully invited to take such action in relation to the decease of the first Chief Magistrate of this Commonwealth, whose death occurred during the period for which he was elected, as may be deemed most appropriate to express its sympathy for the sorrow and bereavement

of the surviving relatives, and to testify its respect for the memory of the virtues of the distinguished dead.

Prior to the decease of Governor Shunk, on the 9th day of July, 1848, as appears by the records in the State Department, he resigned the office of Governor of this Commonwealth, and thereupon, under the provisions of the fourteenth section of the second article of the Constitution, which declares that "in case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified," the duties of the Executive Department of the government devolved on me. Official information of the act of resignation did not reach me until the 17th day of July, 1848. The section of the Constitution herein referred to, also declared in reference to the same subject, that "in such case another Governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal, shall occur within three calendar months immediately preceding such next annual election, in which case a Governor shall be chosen at the second succeeding annual election of representatives." By the thirty-fourth section of the act of the General Assembly relating to the elections of this Commonwealth, it is provided that, "in case any vacancy shall occur in the office of Governor of this Commonwealth, more than three calendar months next preceding the second Tuesday in October, in any year, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor, to issue his writs to the sheriffs of the several counties, requiring them to give the usual notice that an election to supply such vacancy will take place on the second Tuesday in October next thereafter; and when such vacancy occurs within three calendar months be-

fore the second Tuesday in October, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor, to issue his writs as aforesaid, requiring notice of such election, on the second Tuesday in October next after the issuing of said writ, and in each case said writ shall issue at least three calendar months before the election."

An examination of the constitutional provisions, the act of Assembly, and the circumstances of the resignation, will satisfy you, that, while the resignation occurred more than three calendar months before the next annual election of representatives, it took place at a time rendering a compliance with the act of Assembly, in relation to the issuing of writs, utterly impossible. In this view of the case, it might have been deemed a compliance with duty, to have refrained from all interference in the matter, inasmuch as events had put it out of my power to comply with the terms of the act of Assembly directory of the mode in which the constitutional provision on the subject should be carried into effect.

After a full and careful examination of the whole matter, I believed it my duty to issue the writs, requiring notice to be given, that an election would be duly held on the second Tuesday of October, then next ensuing, for the election of a Chief Magistrate of this Commonwealth.

It appeared to me, that in all cases of doubt, there was no safer resting place than submission to the decision of the people, and that in the construction of the laws relating to the point in question, if any doubt arose, the better course in a republican government, was to refer to the citizen voter the right of selecting, at the earliest period, his presiding officer, rather than assume a position which would continue official station in myself, beyond the earliest legal



opportunity to surrender it into his hands. The organic law required the election, and the legislative enactment should be so construed as not to contravene the constitutional provision. Had the terms of the Constitution and laws clearly given a different position to the question, however unpleasant the task of performing the duties of the office, without the endorsement of the people's will, they would have been faithfully executed.

In assuming, as Speaker of the Senate, the exercise of Executive functions, although not deeming it absolutely necessary, prudence suggested the propriety of being sworn to a faithful discharge of the Executive duties, and an oath to that effect was administered to me, by the honorable, the Speaker of the House of Representatives.

A law, requiring in all cases of death, or resignation of the Governor, or of his removal from office, that writs to the sheriffs of the different counties shall be issued as soon as the Speaker of the Senate shall be officially informed of such death, resignation, or removal; and requiring further, that the officer assuming Executive functions should be sworn, in the same manner, and to the same effect as in cases of a Chief Magistrate inducted into office, determining also the person authorized to administer the oath, would obviate future doubts; and the same is respectfully recommended to the Legislature.

It is worthy the attention of the Legislature and the people, that no provision exists in the Constitution, in the contingency of the death or inability to serve of the Speaker of the Senate, after the death, resignation or removal of the Governor, for the selection of a presiding Magistrate. Such event happening, the government would be left without a constitutional officer to carry on its operations. An omission of such importance, should be supplied at the earliest possible period.

Resolutions expressive of the profound sorrow of the Legislature, for the death of that illustrious patriot and sage, John Quincy Adams, and of condolence for the family in their bereavement, were passed by that body at its last session, and the Executive was directed to transmit the same to the widow and family of the deceased. The letter of the late Executive, in the performance of that duty, and the reply of the venerable survivor, are herewith transmitted.

The attention of the Legislature having been called to the neglected and suffering condition of the insane poor of the State, an act was passed on the 14th day of April, 1845, providing for the establishment of an asylum for this unfortunate class of our indigent population, to be located within ten miles of the Seat of Government. The commissioners named in this act, with funds contributed for the purpose by humane and benevolent citizens of Harrisburg, aided by a liberal appropriation made from the treasury of Dauphin county, purchased a farm of about one hundred and thirty acres, eligibly situated within about a mile and a half of the State Capital.

In January, 1846, these commissioners made a report to the Legislature, in which they stated that on a critical examination of the aforesaid act, such defects were apparent, that they did not conceive themselves justified in proceeding with the building, or in making any expenditure of the sum appropriated by the State towards its erection, until some modification should be made in the law under which they were acting. To remedy these defects, a supplementary act was passed on the 11th day of April, 1848, upon which the commissioners forthwith adopted measures for the commencement of the work. A plan for the proposed building was adopted, and a contract made with an experienced architect and builder for its construction. A considerable portion of the ma-

terials, as I am informed, has been provided; the excavation of the cellars and foundation has been made, the laying of the stone masonry commenced, and the hydraulic apparatus for raising water to the building nearly completed. Of the appropriation made on account of this building, a warrant has been drawn for five thousand dollars, of which only two thousand seven hundred and twenty-six dollars and five cents have been expended.

It is hoped and believed that the work will be forwarded with as much despatch as is consistent with prudence, and a proper regard for the comforts and restoration of the afflicted insane poor.

By the act of the 4th of May, 1841, entitled "An Act to provide revenue to meet the demands on the Treasury, and for other purposes," certain banks were authorized to subscribe for a loan to the Commonwealth, to an amount equal to a fixed per centage therein stated, on their respective capitals; the amount of such loan to be placed in the Treasury for the use thereof, in notes of said banks, of the denominations of one, two, and five dollars. By the terms of the law, the loan was redeemable at any time within five years, and was peremptory that it should be paid, and the notes authorized to be issued withdrawn from circulation on or before the 4th day of May, 1846. The act also provided that the banks issuing said notes, should receive them at par value in payment of debts due these institutions. It was thought that by making their redemption dependent on the faith of the State, as well as on that of the banks by which they were issued, a safe and reliable currency would be constituted, while the State would be largely benefitted by a loan at one, instead of five and six per cent., as on previous occasions. The notes thus issued were substantially the creatures of the banks. They constituted a loan to the Commonwealth, were required

to be paid into the Treasury in the manner prescribed in the law, and were redeemable at their par value at the counters of the banks; and the circumstance of the faith of the State, in addition to that of the banks, being pledged for their redemption, could not raise a rational doubt of their constitutionality. How far a subsequent act, passed the 31st day of May, 1844, by relieving the banks from all responsibility touching their redemption and payment, thereby making them an issue on the part of the Commonwealth, redeemable at the Treasury alone, contravened the Constitution of the United States, it is not necessary now to decide.

Under the provisions of the original act of the 4th of May, 1841, the amount of notes issued was two millions two hundred and twenty thousand two hundred and sixty-five dollars, which was specifically appropriated to the support of the government during the year, the payment of debts, and other special purposes therein mentioned. Within two years thereafter, the sum of one hundred and thirty-five thousand two hundred and fourteen dollars of said issue was funded by the banks, and converted into permanent loans at five per cent. By a resolution of the 6th of February, 1843, and the act of the 8th of April of the same year, six hundred and eighty-two thousand eighty-seven dollars were cancelled and destroyed.

The act of May 31st, 1844, is as follows: "that the State Treasurer be and he is hereby authorized and directed, on the last days of June, September and December, in the year one thousand eight hundred and forty-four, to cancel and deliver to the Auditor General, for destruction, fifty thousand dollars; and on the last days of March, June, September and December, in every year thereafter, fifty thousand dollars of the notes issued by the banks of this Commonwealth, in pursuance of the act of the fourth May, one



thousand eight hundred and forty-one, that may then be in the Treasury; and if said notes shall be depreciated, then of the most depreciated; and continue so to do, until the whole amount of the notes legally issued by the banks, as aforesaid, shall have been cancelled and destroyed; and the amount deposited to the credit of the Commonwealth, in banks or savings institutions, or received by collectors on the railroads and canals, or by the treasurer of the city and county of Philadelphia, shall be deemed as money in the Treasury, and subject to the cancellation as aforesaid; and it shall be the duty of the Auditor General to keep and publish quarterly, in at least one newspaper at Harrisburg, a record of the notes so cancelled and destroyed, designating the bank or banks that originally issued the same, in order that the one per centum interest thereon may cease: Provided, That it shall be the duty of the State Treasurer to retain the several amounts, respectively, out of the receipts of the quarter, so as effectually to secure the cancellation of the amounts herein before provided; and the sum of one hundred and sixty thousand dollars is hereby appropriated for the payment of domestic creditors' certificates issued by the Auditor General: Provided, That there is sufficient money in the Treasury after paying the several other appropriations in this act."

It was doubtless the intention of the Legislature, that the sum of fifty thousand dollars should be destroyed quarterly. Under this act the sum of one hundred thousand dollars was cancelled in 1844; the further sum of eighty-five thousand dollars in 1845; the further sum of one hundred and seventy-six thousand three hundred dollars in 1846; one hundred and fifty thousand in 1847, and one hundred and eighty-nine thousand in 1848. The following tabular statement will exhibit with more clearness, the whole subject in relation to the issue and cancellation of these notes.

|   |                    |
|---|--------------------|
| Original amount of relief notes issued, ..  | \$2,220,265 00     |
| Amount funded, .....  | \$135,214 00       |
| Cancelled in 1843 by virtue<br>of the resolution of Feb-<br>ruary 6th, and act of April<br>8th, 1843, ..... | 682,087 00         |
| Cancelled in 1844, under the<br>act of May 31, 1844, .....  | 100,000 00         |
| Cancelled in 1845, under act<br>of 1844, .....  | 85,000 00          |
| Cancelled in 1846, under act<br>of 1844, .....  | 176,300 00         |
| Cancelled in 1847, under act<br>of 1844, .....  | 150,000 00         |
| Cancelled in 1848, under act<br>of 1844, .....  | 189,000 00         |
|   | <hr/> 1,517,601 00 |

Leaving apparently in circulation on the  
31st of December, 1848, ..... 702,664 00

The first failure to comply with the act  
of assembly requiring the cancellation of  
these notes, was prior to or on the 31st  
December, 1844.

The amount directed to be  
cancelled in 1844 and 1845  
and which was not done  
was ..... \$165,000 00

The amount of failure to can-  
cel in 1846, was ..... 23,700 00

The amount of failure to can-  
cel in 1847, was ..... 50,000 00

The amount of failure to can-  
cel in 1848, was ..... 11,000 00

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249,700 00

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452,964 00

It is worthy of remark, that had the cancellation of these notes been made as required by the law, less than half a million of the original issue would now be in existence, a large portion of which has doubtless been mislaid and lost. It will be perceived also, that the act requires the destruction of the most depreciated: In using this term, the Legislature must have intended those most defaced. The laws on the subject of these notes having pledged the faith of the State for their redemption, it is not readily seen how they could become depreciated in value, while on the other hand, many of them had become defaced, torn and unfit for use. At the passage of the act of May 31st, 1844, about fourteen hundred thousand dollars of this issue were in circulation, and as it required the cancellation and destruction of two hundred thousand dollars per annum only, it prolonged the period of their circulation to seven years, when by the original act of May 4th, 1841, but two years remained of the period of duration. To the act of May 31st, 1844, is attributable, therefore, the continuance in circulation of these notes, after they had become torn, defaced, and unfit for use. The original act, had it not been counteracted by subsequent legislation, provided the necessary means for the redemption of these notes through the banks, on or before the 4th day of May, 1846, and the failure to destroy them as required by the act of the 31st May, 1844, clearly demonstrates that the Treasury has not been, since then, in a condition to repay the loan, or redeem the notes. Hence they have continued in circulation, have been paid into your public offices, and again paid out of the Treasury, until they are wholly unfit as a currency for the citizens. The amount now in circulation is presumed to be about six hundred thousand dollars. It is respectfully suggested, that the worst of these notes as they are paid into the Treasury, should be

retained, and in their stead an equal amount of new notes of the same denominations, under an arrangement with any of the banks of this Commonwealth, be put into circulation for a period of time, so long only as may be required by the quarterly destruction of fifty thousand dollars, to absorb the whole amount of the issue. A measure of this character would relieve the currency of those unfit for use, and have the effect in a short time of putting the whole issue out of circulation. I would earnestly press upon the Legislature the passage of such laws as would prohibit, in their mutilated and defaced condition, their payment from the Treasury. Should it be deemed a more desirable course, to rid the currency of the entire issue by a loan, it might be a fair condition of the renewal of the charter of any bank at the present session, that it make a loan at a low rate of interest to the government, to be used in redeeming and cancelling the whole, or such part as might be deemed advisable. Any arrangement on the subject you may devise, to relieve the people of this currency, shall receive my cordial approbation.

The payment of the interest on the public debt, in a sound convertible currency, is of great moment to the credit of the State. This demand on the Treasury has heretofore, to a large extent, been met by payments in depreciated paper, by which the holders of State bonds have suffered pecuniary loss. An evil of this nature demands a speedy and effectual remedy. The relief notes, originally intended to be temporary in their existence, and local in their circulation, should not be forced from their legitimate purpose, or paid from the Treasury, in discharge of the interest of the public debt. No great inconvenience could be felt in withholding an amount so small as their present circulation, from such application. To secure an object so desirable, the revenues of the State should



be collected in such funds, only, as admitted of ready convertibility into specie without loss to the Treasury. The relief notes, as well as the notes of all specie paying banks of this Commonwealth, should be received in payment of public dues, while other paper money under par at the place designated for the payment of interest on the public debt, should be refused, unless upon notice to that effect of the State Treasurer, arrangements by the banks issuing the same, were made to redeem it at such point as he might designate. The State Treasurer should be authorized to require of those specie paying banks whose notes might be under par at the place of paying the interest, to make arrangements to redeem their notes at par at the point designated, and on their failure to comply, to demand specie funds at their counters. It is believed that an arrangement of the kind suggested, would materially aid in rendering the notes of all the solvent banks in the Commonwealth of equal value in all parts of the State, would increase their general circulation among the citizens, and tend to exclude the depreciated paper of foreign institutions. A measure valuable for these purposes, which would give increased worth to our stocks, and enable the State more faithfully to comply with her contracts, is worthy the serious consideration of the Legislature.

Intimately connected with the subject of our public debt, are the assessment and collection of the taxes. The laws on this important branch of the revenue require to be remodeled, and arranged in such form as to insure equality and uniformity in the several counties of the State. The manner of adjusting and equalizing the valuation of property for taxation, is a concern of deep interest to the people, and should as far as possible, be left in the hands of their immediate representatives. Assessors, it is suggested, should be

required, in the exercise of their duties, to make return, in a full and accurate statement, of the various products of farms and manufactories; of the kind, nature, and amount of the supposed annual value of the productive industry of each district; of the amount and nature of the local and general trade and business, with the manner and cost of reaching the nearest market, and the value of the article in market at the nearest point to the district. Should an annual statement of this nature be deemed too expensive for practical utility, a triennial return might answer the purposes intended. Returns of a nature so general, of the resources and active industry of the State, while it would afford valuable information to the public officer, would place before him such facts as would enable him to detect gross errors in the uniformity of the assessments, and would leave in the hands of the officer elected by the people, the duty of valuing and taxing their property, instead of casting a labor so important into the care of irresponsible boards.

The importance of Legislative action on the subject, is enhanced by the fact, that an examination of the ordinary revenues and expenditures for the last few years, furnishes evidence that the necessities of the Treasury require increased resources.

A statement from the Auditing Department, is as follows:

*“Ordinary Revenue and Expenditures of the Commonwealth of Pennsylvania, for the periods herein stated.”*

|   | Revenue and expendi-<br>tures. | Excess of revenue. | Excess of expendi-<br>tures. |
|---|--------------------------------|--------------------|------------------------------|
| Revenue for the year 1845, .....          | \$2,994,631 18                 | .....              | .....                        |
| Expenditures for the year 1845, ..        | 3,176,298 28                   | .....              | .....                        |
| Excess of expenditures, ....              |                                |                    | \$181,667 10                 |
| Revenue for the year 1846, .....          | \$3,487,882 49                 | .....              | .....                        |
| Expenditures for the year 1846, ..        | 3,461,144 71                   | .....              | .....                        |
| Excess of revenue, .....                  |                                | \$26,737 78        | .....                        |
| Revenue for the year 1847, .....          | \$3,744,509 40                 | .....              | .....                        |
| Expenditures for the year 1847, ..        | 3,427,341 42                   | .....              | .....                        |
| Excess of revenue, .....                  |                                | 317,167 98         | .....                        |
| Revenue for the year 1848, .....          | \$3,671,997 32                 | .....              | .....                        |
| Expenditures for the year 1848, ..        | 3,746,886 68                   | .....              | .....                        |
| Excess of expenditures, ....              |                                |                    | 74,889 36                    |
|   |                                | \$343,905 76       | \$256,556 46                 |
|   |                                | 256,556 46         | .....                        |
| Excess of revenue in four<br>years, ..... |                                | \$87,349 30        | .....                        |

“Expenses of the public works considered as ordinary, notwithstanding much of the amount is really extraordinary. But as an offset to this, the tax on real and personal estate, received during each year, is more than the assessment of a year, the excess being from outstanding taxes of previous years.”

The balance in the Treasury on December

1, 1844, was ..... \$663,851 88

Balance in the Treasury on December

1, 1848, ..... 577,290 39

Deficit in balances in Treasury in four

years, ..... 86,561 49

|   |            |
|---|------------|
| Had the law of May 31, 1844, been complied with by the cancellation of the relief issues, the additional charge would have been made on the Treasury of ..... | 249,700 00 |
|---|------------|

|  |            |
|--|------------|
| Which added to above deficit, makes, ... | 336,261 49 |
| Deduct excess of apparent revenue, ....  | 87,349 30  |

|  |              |
|--|--------------|
| Real deficit under existing laws in four years, exclusive of extraordinary expenditures, ..... | \$248,912 19 |
|--|--------------|

The operation of laws on the part of the National Government, framed with a view to the assessment of duties and collection of revenues, is a subject seriously affecting the finances of the Commonwealth. No State in the Union depends in a greater degree, for the advantages of wholesome enterprize and the safe employment of capital, on the stability and agency of laws affording reasonable protection to domestic industry. Our mountains, filled with rich deposits of iron and coal, invite the manufacturer to employ his skill and capital in these commodities, and when they are in demand, the whole productive business of the State prospers. No interest feels the pressure of foreign competition more keenly, none requires more certainly the fostering care of government, none spreads to a larger extent the active industry of all classes of citizens, than the peculiar manufacturing establishments of our own State. The system established by the act of Congress of 1846, is framed for the purpose of revenue, and discriminates against, rather than for, protection. The effect of such laws would necessarily be, if continued, to strike down the manufacturer, and to depress every interest which directly or incidentally leans on him for support.



Of the interests favorably affected by the establishment of manufactories, none deserve more especial notice than the laboring and producing classes. These compose the great mass of our population, and in all respects differ radically from the same classes in other countries. Here they are a part of government itself, and as such, are frequently required, in the exercise of the elective franchise, to decide questions the most momentous, affecting, even, the stability and duration of our free institutions. In the formation of the governments under which they live, they were a component of the sovereignty which had wrested from a foreign power the independence of the country, and took with others an equal part in the difficult questions involved. To enable them to discharge in a proper manner the duties they owe to the country, to others, and themselves, a portion of their time should be given to the examination and consideration of public questions.

By the reward of their labor, they should be enabled to elevate their condition in society, to command for themselves and families, not merely the necessaries, but the comforts, and even the luxuries of life, to give to their children the benefits of reasonable education, and to ensure a competence when age had disqualified them for active employment. The price of labor is regulated by its demand, and the value of the article it produces. When the demand for labor is small, and the produce of that labor low in price, the reward of industry is comparatively reduced; when the demand for labor is increased, it rises in value and receives an adequate reward. Hence, whatever increases profitable labor, is substantially beneficial to the working classes, and affords them the means of comfort, the delights of rational enjoyment, and the opportunity of exalting their condition, and performing with safety to the country, the duties of citizens. The manufacturer, if he be sustained in his enterprize, pro-

duces this result by opening to the laborer a new source of employment. It is frequently urged that the system of protection to domestic industry, is of more interest to the manufacturer than to the laborer, as it enables him to dispose of his fabrics for a higher price, and to realize a better profit on his capital; but is not the capital of the laborer also involved in the fabric, and does he not receive a reward in proportion to the value of the article? Let it be remembered also, that his daily bread, the wants of his family, the education of his children, all depend upon the success of the establishment at which he is employed, and the objection can have little weight. It is also urged that a reduction of nominal values to a specie standard, would produce a result requiring for domestic labor no protection on the part of government. A doctrine of this nature is radically wrong, and at variance with the principles on which our free government is founded. Bring down the standard of prices for labor to a specie standard; allow no greater reward for industry in this country than in England, and the working classes are necessarily forced into the condition of foreign operatives, compelled to labor constantly and diligently to earn for themselves a miserable subsistence. All the luxuries, many of the comforts, and even the necessities of life, must be denied to them, while the education of their offspring must be wholly neglected. These observations apply to the laborers engaged in the business of mining and transporting our coal to market, as well as to the operatives more directly employed at manufactories. After the demand for household use is supplied, this article must seek a market in those districts of country where manufacturing industry abounds, and the demand for it increases or diminishes in proportion to the active operations of those establishments. Hence, every fire that is extinguished, every wheel that is

stopped, lessens the demand for coal, decreases its value in the market, and reduces the prices of labor, by lessening its value to the owner of the article. When to this is added the fact of competition from abroad, underselling in the home market the domestic article, the occupation of the laborer is destroyed, and the ruin is complete. The revenue system invites such a result, while the system of discrimination for protection forbids it.

Other classes of society are also injuriously or beneficially affected, as the laws on this subject favor the one or the other policy. The agriculturist, inclined to measure the general welfare by the prices of his produce, and to remain contented while these are satisfactory, is required, only, the exercise of his practical knowledge to be informed, that he suffers also, by a policy which strikes down the manufacturer. The home market is his only sure reliance. The condition of things abroad may afford increased prices for the produce of his farm; the miseries of unhappy Ireland, and the unsettled state of public affairs in other parts of the world, may create a temporary demand for grain, and thereby augment the value of his productions; but it would be unsafe to depend on contingencies of this nature, over which his government can have no control. The entire produce of his lands, whether distant or near the foreign market, must depend for an uniform and fair price, on the home demand. Any other reliance is dependent on the policy of foreign governments, the convulsions of unsettled power, and the unfruitful harvests of other producers. It is not, however, in enhanced prices alone, that he finds his reward. In the home market he is his own factor, avoids the risks of agencies, the dangers of transportation, and can select his own time for the disposal of his produce. The manufacturer carries to the market, in the fabrics he proposes to sell, the

produce of the farmer, who is thereby relieved of the hazard and expense of conveyance. In another form he is still more largely benefitted. One of the elements of well regulated society is unity of interest. Whatever may be said to the contrary, no national antipathies exist between capital and labor. They are dependent on, are supported by, and receive vitality from each other. The manufacturer who invests under the fostering care of government his capital in profitable industry, opens a new source of wealth to the farmer, the artizan and the laborer. An industrious population, whose reward affords comfort and competence, gathers around him; other classes are attracted, and the store-house, the workshop, the school and the church are erected; villages spring up; the din of active industry and the sound of enjoyment mingle together; roads are opened, bridges are built, lands rise in value, and the farmer finds a market at his door, not only for his ordinary surplus produce, but also, for numberless articles which were deemed unworthy of transportation. From that overflowing fountain, by an hundred rivulets, wealth is poured into his treasury. These are a few of the many advantages of the agriculturist and the laborer, arising from a fair and reasonable protection of the domestic industry of the country. The existing revenue laws of the National Government, by opening our ports to foreign manufacturers, invite the labor of the wretched, starving operatives of Europe, to a competition with this healthful and prosperous condition of things. The consequences are ruinous to the interests of the laboring and producing classes, and dry the streams of prosperity in every branch of industry.

It should not be forgotten that the reliable wealth of a State, consists in the profitable industry and capital of the citizens. Whatever tends, therefore, to prostrate individual prosperity, to diminish the value



of produce, to injure productive labor, or to drive from wholesome investment the money capital of the country, strikes with alarming force the best interests of the State. The revenues of the Commonwealth are derived principally from real and personal estate, and from our railroads and canals. In relation to the former it may be said, that every dollar shipped for the purchase of foreign fabrics, diminishes their value, depresses the home market, reduces the profits of the producer, and hence lessens the amount of revenue paid into the Treasury. Capital invested in the various branches of manufactures, sinks in value in proportion to the depression of the business in which it is employed, and when foreign competition is successful, by reason of low duties, in driving from the home market the fabric of the capitalist, his investment is comparatively valueless, and the revenues therefrom are greatly reduced. The profits from our internal improvements are still more seriously affected. The raw material in its transit to the manufactory, and the fabric on its way to a market, are principally conveyed along our canals and railroads, thereby yielding a handsome revenue to the Commonwealth. When, therefore, the manufacturer, unprotected by the government, is compelled to discontinue his business, not only the laborer, the artizan and the agriculturist, but the State also, is seriously injured in the general depression of business, the diminished wealth of the country, and the reduced value of capital.

The policy of giving fair and reasonable protection to the domestic industry of the country, has heretofore received a support so cordial, from wise and patriotic statesmen, who have conducted the affairs of the National Government, as well as those who have preceded me in the administration of this Commonwealth, that I cannot refrain from the insertion of a few extracts from their several messages.

In his eighth message, Washington deemed it proper to bring the subject to the attention of Congress:

"Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible."

The eighth annual message of President Jefferson, contains the following reference to the subject.

"The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains, that the establishments formed and forming, will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent."

President Madison calls the attention of Congress to the subject in the following terms:

"Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained and are still attaining, in some degree under the impulse of causes not permanent."

And again, in his special message of February 20th, 1815, he says:

"But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States, during the period of the Euro-

pean wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress."

In his seventh annual message he again recurs to the subject, as follows:

"In adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be, which leaves to the sagacity and interest of individuals, the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justified the belief, that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competition from abroad, but a source of domestic wealth and even of external commerce."

And again: "It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence, an encouragement which cannot fail to be rewarded."

President Monroe in his first inaugural address says:

"Our manufactures will likewise require the systematic and fostering care of the government. Pos-

sessing, as we do, all the raw materials, the fruit of our own soil, and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition, it will enhance the price and protect the cultivator against the casualties incident to foreign markets."

His Excellency, Simon Snyder, Governor of this Commonwealth, in his message of December 8, 1815, says:

"The subject of manufactures, from full experience during the restrictive system and the war, is now so well understood as respects the practicability of advantageously carrying them on, as to the kind of goods which may be made, and the quality and durability of the articles which have had a fair experiment amongst us, that it is deemed unnecessary to urge arguments in their support. The General Government, fully aware of the importance of the subject, will, it is confidently hoped, follow the dictates of political wisdom, and protect our manufacturers against injurious foreign competition, or combination: a contrary course would protract the long and anxiously sought real independence of our country, and again impose on us a dependence almost colonial."

His Excellency, William Findlay, referring briefly to the subject, says:

"As agriculture and manufactures are the great sources of wealth, and the only solid foundation of



our comforts and independence, they are particularly entitled to the fostering care of government."

In the first message of Governor Wolf, he speaks as follows:

"The protecting policy hitherto sustained by the General Government, cannot, under existing circumstances, be abandoned or relinquished with the approbation or consent of the People of Pennsylvania. Their interests, their prosperity, and, I may add, their comforts, are at this time essentially identified with that policy. The diversified branches of industry in which our citizens are engaged; the character of the productions peculiar to our soil; the state of the foreign markets to which we had heretofore been accustomed to resort for the sale and exchange of our staple commodities, and the interdicting duties by which the produce of our agriculturists is excluded from those markets, leave us no alternative as to the course to be pursued. We must either suffer our surplus produce to perish upon our hands, or we must establish a market for its consumption at home. We must either submit to the humiliating condition of becoming tributary to foreign industry, or by affording encouragement to our own, render ourselves independent of foreign imposition and exaction. Under the encouragement and protection now afforded, our manufacturing establishments are assuming a vigorous and healthful appearance, and give reasonable promise of promoting the general prosperity of the country and of accomplishing the great end and design contemplated by the friends and advocates of the protecting system. Happily for us in Pennsylvania, we have no constitutional difficulties to embarrass us in reference to the system. Our statesmen who have hitherto represented us in the National Legislature, as well as in that of the State, have uniformly expressed their opinions affirmatively, and in terms by

no means equivocal, that this nation possesses the right, under the Constitution, to protect its industry, by salutary enactments of its own, against the injurious consequences of foreign legislation, and that the acts of Congress imposing duties on imports are constitutional, and their constituents have as unequivocally responded to those opinions."

Governor Porter also refers to the subject in the following manner:

"It is unworthy the great State of Pennsylvania to depend on the manufactures of other States, or of foreign countries, to supply her citizens with those articles for the various purposes of life which they can produce themselves as well, as cheaply, and as abundantly, as any other people on the face of the globe.

"Our valleys teeming with plenty, our hills with exhaustless coal and iron deposits; our streams abounding with water power for all purposes, unsurpassed by that in any other country; and our citizens stimulated by enterprize, and possessing means to render it effectual, should awaken in us that spirit of independence, which disdains to seek at the hands of others that which it can furnish with its own. It is with no feelings of envy, or of local jealousy of others, that I bring this subject to your notice; but with an honest feeling of State pride, and a generous emulation, which should inspire us with a determination not to be indebted to others for those solid and useful means of promoting our prosperity and independence, which nature has bounteously lavished on our citizens."

A question of the greatest magnitude, involving the honor of the State, and the interests of the citizens, will arise in the consideration of the public debt. The regular payment of the annual interest, and the formation of a sinking fund for the final liqui-

dation of the principal, should receive the early and careful attention of the Legislature. It will give me unfeigned pleasure to unite with you in any rational mode calculated to facilitate an object so desirable.

The present debt of the State is as follows:

|  |                |                 |
|--|----------------|-----------------|
| 6 per cent. stocks, ....   | \$1,887,549 06 |                 |
| 5 per cent. stocks, ....   | 37,305,801 18  |                 |
| 4½ per cent. stocks, ...   | 200,000 00     |                 |
|  | <hr/>          | \$39,393,350 24 |
| Relief notes in circulation, .....   | 702,664 00     |                 |
| Interest certificates outstanding, .....   | 220,789 52     |                 |
| Interest certificates unclaimed, .....   | 4,448 38       |                 |
| Interest on unclaimed and outstanding certificates to be added to them, when funded, | 14,165 89      |                 |
| Domestic creditors, ...  | 89,318 95      |                 |
|  | <hr/>          | 1,031,386 74    |
| Total amount of public debt, December 31, 1848, .....                                |                | 40,424,736 98   |

Of the above there is due and demandable at the Treasury, as follows:

|  |              |
|--|--------------|
| Relief notes, .....                      | \$702,664 00 |
| Domestic creditors, .....                | 89,318 95    |
| Interest certificates of all kinds, .... | 239,403 79   |
|  | <hr/>        |
|  | 1,031,386 74 |

It is presumed the gradual process of cancellation of relief notes, or their redemption, as heretofore indicated, will remove to that amount the pressing neces-

sities of the Treasury. The residue of said sum of one million thirty-one thousand three hundred and eighty-six dollars and seventy-four cents, to wit:

Three hundred and twenty-eight thousand seven hundred and twenty-two dollars and seventy-four cents, is due and demandable, ..... \$328,722 74

Also due and demandable of funded debt, as follows:

|                     |              |              |
|---------------------|--------------|--------------|
| June 1, 1841, ..... | \$26,951 80  |              |
| Aug. 1, 1846, ..... | 1,998,509 35 |              |
| Aug. 1, 1847, ..... | 22,335 06    |              |
|                     | <hr/>        | 2,047,796 21 |

Present liability of Treasury, .. \$2,376,518 95

Residue of public debt falling due,

|                         |              |
|-------------------------|--------------|
| March 1, 1849, .....    | \$59,551 46  |
| December 1, 1850, ..... | 999,311 15   |
| April 11, 1853, .....   | 135,214 00   |
| December 1, 1853, ..... | 1,998,407 09 |
| January 1, 1854, .....  | 798,474 64   |
| December 1, 1854, ..... | 2,197,849 55 |
| August 1, 1855, .....   | 4,489,463 79 |
| July 1, 1856, .....     | 2,780,808 26 |
| March 4, 1858, .....    | 3,998,395 47 |
| July 1, 1858, .....     | 2,540,010 56 |
| July 1, 1858, .....     | 529,922 74   |
| July 1, 1859, .....     | 1,195,928 93 |
| August 1, 1859, .....   | 49,998 25    |
| July 1, 1860, .....     | 2,643,777 64 |
| March 28, 1861, .....   | 120,000 00   |
| July 1, 1862, .....     | 2,265,059 75 |
| April 10, 1863, .....   | 200,000 00   |
| July 1, 1864, .....     | 1,378,375 99 |
| June 27, 1864, .....    | 1,134,332 70 |
| August 1, 1864, .....   | 860,680 89   |



|                         |                |              |
|-------------------------|----------------|--------------|
| July                    | 1, 1865, ..... | 959,540 79   |
| January                 | 1, 1865, ..... | 868,873 13   |
| July                    | 1, 1868, ..... | 2,523,617 64 |
| July                    | 1, 1870, ..... | 1,939,583 65 |
| Bank charter loans, ... |                | 678,375 96   |

Total amount of funded debt not  
demandable at the Treasury, 37,345,554 03

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39,722,072 98

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Interest on the public debt:

|  |              |
|--|--------------|
| \$1,887,549 06, at 6 per cent. per annum,                | \$113,252 94 |
| 37,305,801 18, at 5 per cent. per annum,                 | 1,865,290 05 |
| 200,000 00, at $4\frac{1}{2}$ per cent. per annum, ..... | 9,000 00     |

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Regular annual interest on the loans as  
they stood Dec. 1, 1848, ..... 1,987,542 99

On a portion of the above loans there  
will be to pay  $3\frac{1}{2}$  years interest on  
February 1, 1849, which it is esti-  
mated will increase the amount, ... 7,000 00

On whatever amount of interest cer-  
tificates may be funded between the  
1st of February and the 1st of Aug-  
ust next, there will be due at the  
latter period four years interest, es-  
timated ..... 12,000 00

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Probable amount of interest for 1849, 2,006,542 99

To which add guarantied interest on  
Danville and Pottsville railroad; and  
Bald Eagle and Tioga navigation  
companies, ..... 32,500 00

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2,039,042 99

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The estimated revenue for the current year is as follows:

|   |              |
|---|--------------|
| Lands, .....                                    | \$20,000 00  |
| Auction commissions, .....                      | 23,000 00    |
| Auction duties, .....                           | 65,000 00    |
| Tax on bank dividends, .....                    | 120,000 00   |
| Tax on corporation stocks, .....                | 150,000 00   |
| Tax on real and personal estate, .....          | 1,350,000 00 |
| Tavern licenses, .....                          | 35,000 00    |
| Retailers' licenses, .....                      | 150,000 00   |
| Peddlers' licenses, .....                       | 2,500 00     |
| Brokers' licenses, .....                        | 5,000 00     |
| Theatre, circus and menagerie licenses, .....   | 1,000 00     |
| Pamphlet laws, .....                            | 400 00       |
| Militia fines, .....                            | 20,000 00    |
| Tax on writs, &c., .....                        | 40,000 00    |
| Tax on certain offices, .....                   | 20,000 00    |
| Collateral inheritances, .....                  | 60,000 00    |
| Canal and railroad tolls, .....                 | 1,650,000 00 |
| Canal fines, sales of old materials, &c., ..... | 3,000 00     |
| Tax on enrolment of laws, .....                 | 3,500 00     |
| Tax on loans, .....                             | 115,000 00   |
| Dividends on bridge and turnpike stocks, .....  | 2,000 00     |
| Accrued interest, .....                         | 4,000 00     |
| Refunded cash, .....                            | 5,000 00     |
| Escheats, .....                                 | 1,000 00     |
| Fees of the public offices, .....               | 1,500 00     |
| Miscellaneous, .....                            | 5,000 00     |
|   | <hr/>        |
|   | 3,851,900 00 |
|   | <hr/> <hr/>  |

Estimated expenditures for current year:

|                               |              |
|-------------------------------|--------------|
| Public improvements, .....    | \$800,000 00 |
| Expenses of government, ..... | 220,000 00   |
| Militia expenses, .....       | 30,000 00    |

|   |              |
|---|--------------|
| Pensions and gratuities, .....                                | 23,000 00    |
| Charitable institutions, .....                                | 30,000 00    |
| Common schools, including non-accept-<br>ing districts, ..... | 250,000 00   |
| Interest on loans and guaranties of in-<br>terest, .....      | 2,040,000 00 |
| Domestic creditors, .....                                     | 12,000 00    |
| Cancelled relief notes, .....                                 | 200,000 00   |
| Damages on public works, .....                                | 30,000 00    |
| Special commissioners, .....                                  | 300 00       |
| State Library, .....  | 1,200 00     |
| Public buildings, .....                                       | 3,500 00     |
| Weigh-lock at Beach Haven, .....                              | 3,600 00     |
| Penitentiaries, .....   | 23,000 00    |
| House of Refuge, .....  | 4,000 00     |
| Nicholson lands, .....  | 200 00       |
| Escheats, .....   | 800 00       |
| Abatement of State tax, .....                                 | 40,000 00    |
| Miscellaneous, .....  | 5,000 00     |

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3,716,600 00

Revenue, ..... \$3,851,900 00

Expenditures, .... 3,716,600 00

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135,300 00

From the foregoing statement it would appear, should the estimates of receipts and expenditures be correct, and they doubtlessly approximate the truth, and should no unforeseen casualty occur, that the revenues will at least equal the expenditures of the year. Admitting, however, the correctness of the estimates, it is apparent the State is placed in a condition no better by the lapse of time, as no material diminution, if any, of the public debt is effected. Indeed, even the payment of the annual interest has

depended and will depend, on the anticipation of revenues properly belonging to the next fiscal year. A system of providing means to meet the liabilities of the State, which pays no part of the debt, and meets the payment of the annual interest by drafts on a fund raised for the discharge of another duty, and which collects from the people upwards of two millions of dollars, yearly, requires supervision and amendment.

A careful revision of the revenue laws of the Commonwealth, increasing the tax on such items as will bear, without injury, an addition to their present burthens, with due economy in the appropriations and expenses of government, would not only place the Treasury on a sound basis with regard to the annual payment of the interest, but would also, if set apart for that purpose, create a sinking fund to meet the amounts now due and demandable of the State. A result of this character would be honorable to the Commonwealth, and gratifying to the citizens. Confidence would immediately be restored to the community, public credit would be permanently established, and the Treasury relieved of a portion of the public debt. The amount now demanded, is two millions three hundred and twenty-six thousand five hundred and eighteen dollars and ninety-four cents. When the faith of the State is involved, no time should be lost in adopting measures to restore its credit.

To form a fund for the liquidation of the residue of the public debt, is an object not less important than the one just suggested. Pennsylvania should no longer bear the burthens which now oppress her citizens without, at least, a vigorous and manly effort to relieve herself from her liabilities. To the Legislature belongs the duty of devising such means, and enacting such laws, as will best promote the interests of the people; and efforts so laudable will, at all times,



receive the approbation of, and be aided by such suggestions as may present themselves to the Executive.

A more favorable opportunity may present itself at the present session, than will soon again be offered. Many of the banks of this State have given the requisite notice, that they propose to apply for a renewal of their charters; and I would suggest, should it coincide with your views, the policy of exacting from each of these institutions that may come before the Legislature, the payment of a certain per centage on its capital, in addition to the taxes already assessed on banks by existing laws. A sum raised in this way, might form the nucleus of a sinking fund, which, however small, would regularly increase in importance and value, by the assistance it might receive from that and other sources. The charters of all the banks in the Commonwealth will require renewal; the increased prosperity, population and business of the country, may require additional banking facilities, and during each year a small amount could be added to the fund.

The investment of the fund thus created in the purchase of State stocks, (the present revenue laws of the State being preserved,) and the interest on stocks purchased, being again invested in the same way, would increase the fund, while it diminished the debt, until all would appreciate its importance, and consider it with favor.

Should our sources of revenue become of greater value, as may reasonably be anticipated, large balances over the expenditures of the government will accrue to the Treasury, a fixed proportion of which could properly be added to the fund. Thus would it increase in triple proportion, until the enormous debt with which we are encumbered, would be finally extinguished. Whatever may be the views of the Legislature in regard to the plan suggested, it is ardently hoped it will distinguish its proceedings by the adoption of means to attain an object so desirable.

In the revision of the laws on the subject of revenue, with a view to increase taxation, the farming interest of the State should not be further burthened. The State, county, school, road and poor rates, levied upon land, and the reduced price of the products of the agriculturalist, occasioned by the present revenue laws of the National Government, operating to the injury of the home market, should justly and equitably relieve it from additional taxation.

For many years no settlement of the accounts of the Commissioners of the Internal Improvement Fund has been made. It is worthy of consideration, whether a commission, to consist of a clerk from the Auditor General's and the State Department, with a third to be appointed, authorized to make an examination of said account—as also to ascertain precisely the condition of the Treasury, and its disbursing agents, what moneys are due to the State from corporations, individuals and counties, and if balances are found to exist, the reason why collections are delayed—might not, by a careful report, suggest alterations beneficial in the manner of conducting our financial affairs. In this connection it is also proper to mention, that a change in the manner of drawing money from the Treasury should be adopted, to afford more ample checks, the present system being deemed defective.

The report of the Canal Commissioners will enable the Legislature to form an accurate judgment of the state of the public improvements. Notwithstanding serious interruptions, caused by the destruction of the Freeport aqueduct, and other casualties, the revenue from this source has been so large, and so constantly increasing, that these works should be carefully guarded and preserved, as a means useful to the citizens, and highly advantageous to the State. In referring to the internal improvements of the State, I cannot allow the opportunity to pass, without allud-

ing to the North Branch canal. It is supposed that a million of dollars would complete this work, at present profitless and rapidly going to ruin. Already has the State expended upwards of two millions, which, while it remains unfinished, is absolutely lost. The country through which this improvement passes is rich in the articles of coal and iron, and in agricultural products. Its completion, by the increased amount of tolls received on it, and the additional freight thrown to other portions of the public improvements, would amply secure the interest on the cost of its completion. Under a deep sense of the correctness of these views, I could not avoid bringing the subject to your early consideration. In this relation, it is also proper to refer to the importance of avoiding the Schuylkill inclined plane. Surveys and estimates by a skillful engineer, have been made of three different routes, and the result will be laid before you in the report of the gentleman to whom was entrusted the duty. It is well to observe that these estimates are not included in the estimated expenditures of the current year, as given in a former part of the message.

The attention of the Legislature will be called to the subject of the currency, in connection with the banking institutions of the State. These institutions have become so intimately identified with the business and interests of the citizens, and furnish such a portion of the circulating medium, that a necessity is created for their proper management and control. The standard of the value of things among civilized nations, is conceded to be the precious metals. The constitutional currency of this government is gold and silver. Whenever the conveniences of trade and business, the encouragement of industry and enterprise, or the natural growth and developments of the country require additional commercial facilities, it is

the duty of the public functionary to be watchful, that the representative of the precious metals should maintain the standard value.

The citizen having in his possession a note issued by a bank of the Commonwealth, should be secure that he holds the equivalent of gold and silver. In order to obtain this result, care should be taken by the Legislature in the grants of authority to these corporations, to prevent them, if possible, from furnishing a less reliable currency. Banking institutions have long existed among us, and have been, when properly restricted and judiciously managed, highly conducive to the best interests of the people. Their notes, when kept at par value, form a more convenient currency than the precious metals, are equally valuable in all financial concerns, and promote the active industry of the country. Hence solvent banks, whose notes are readily convertible into specie, should be sustained by the Legislature, while those failing to keep their notes at par, or to redeem them on demand, by inflicting injury and injustice on the community, destroy confidence, and forfeit our favorable consideration.

In judging of the amount of banking capital necessary for the wants of the community, a sound and healthful state of business and trade afford the best and safest criterion. These institutions are better able to meet their liabilities and redeem their notes, in a state of things such as is here alluded to, than during extraordinary depression, or unnatural excitement. That the increase of banking facilities is instrumental in relieving the country in times of commercial distress, is a belief as prevalent as it is unsound. It may postpone the crisis, but cannot afford relief. The active, healthful industry of the country, and not the wants of individuals, should govern the issues of the banks. In periods of great commer-



cial and manufacturing prosperity, an inflation of the currency beyond the wants of sound, wholesome trade leads to unwise, and often ruinous speculation. In short, the amount of the circulating medium should depend on the actual, and not the imaginary, wants of the country. From these observations, the Legislature will perceive that any extraordinary increase of banking capital, in the present depressed condition of trade, is not consistent with my views of the general welfare.

The location of a bank as near as practicable to the centre of its business operations, is a matter of some moment to the community, and should the Legislature in its examination of the applications for re-charter of any institution now existing, be satisfied that the location of the existing bank is unsuited to the convenience of the business portion of the citizens for whose benefit it was established, a wise policy would dictate a refusal to re-charter, and the establishment of a new institution with the same amount of capital, at a place more advantageous to the citizens. The old and well established banking institutions, whose credit and solvency are undoubted, and where the wants of the community in which they are located require it, should receive a renewal of their charters; but in no instance ought a charter to be renewed until a complete and thorough examination of the affairs of the institution, and a full statement of its business, with satisfactory evidence of the bona fide value of its assets, shall have convinced a committee appointed for that purpose, of its entire solvency and ability to redeem all its liabilities. Such statement, duly authenticated, should be filed of record in the State Department, for the inspection of all persons interested. The several laws in force to prevent the use and circulation of notes of a less denomination than five dollars, do not appear to have produced the result in-

tended. A large portion of the currency of the State consists of notes of a lower denomination, many of them spurious and defaced, issued by foreign institutions, about whose solvency no knowledge can be possessed by the citizens. This circulation, while it inflicts injury on the community, is in direct contravention of the express terms of the law. As it is manifest the existing laws will not remedy the evil, it is suggested that an act, preventing under severe penalties, the banks, and brokers dealing in money, from receiving on deposit, exchanging, or paying the same from their counters, would have a beneficial effect in driving these notes from circulation. Should the circulation of notes of a less denomination than five dollars be desirable, it is infinitely to be preferred that they should be issued by our State banks, whose solvency is known, rather than foster a circulation issued by institutions whose abilities to redeem them may be uncertain. With these slight modifications of our present system, taking care that no unnecessary and unadvised increase of banking capital be made, and in all cases, either of new institutions, or the renewal of those now existing, that their entire solvency should be undoubted, and that no danger to the citizens will arise from these grants of power, I should deem it right to leave the present policy in relation to these corporations, as it has been maintained for former years.

During the last session of the Legislature, an act was passed regulating the hours of labor in factories, and specifying the age at which minors shall be admitted therein. It is respectfully submitted, whether this law does not require amendment, so as to prevent special contracts to labor more than the time fixed by the act. The operation of the law as at present in force, gives to those violating its spirit, an advantage over him who faithfully carries it into effect, by permitting the owner and operatives to enter into

such contracts in relation to the extension of time, as they may deem proper.

If it be right to limit the hours of labor in factories, and who that desires the education and comfort of the citizen can doubt it, the law should be so changed as to operate alike in all such establishments.

Should the Legislature concur in this opinion, it would be proper to repeal the proviso allowing of special contracts by parents and guardians, for the labor of minors above the age of fourteen years. They should not be left in a condition of more hardship than the adult. I have brought this subject to the notice of the Legislature, as well because of the justice and propriety of the suggestion, as that my friendship for the measure was well known to the people, and has been approved by them at the late general election.

It gives me unfeigned pleasure to announce the fact, that the common school system is at length adopted throughout the State. The friends of education must be deeply gratified, that a consummation so desirable, promising such advantages to the citizen, and security to the State, has been attained.

It may well be considered as a conspicuous epoch in our history. The blessings of rational and moral cultivation dispensed throughout the Commonwealth, will improve the condition of the people, enlarge their sphere of usefulness, and give to the State a character for intelligence and virtue.

The report of the Superintendent will furnish valuable information to the Legislature for the further improvement of the system, and will enable it to remedy existing defects.

The Adjutant General's report on the subject of the militia, contains many important suggestions, well worthy the consideration of the Legislature. It is the production of a practical military officer, who has

bestowed much thought on the subject and will be found interesting and valuable, particularly as pointing out a mode by which the vast expenditure of the present system may be saved to the Treasury.

In the reports of the Auditor General and Surveyor General, you will find a detailed account of the financial operations of the year ending on the first of December last. To these reports I would refer you for a full statement of the condition of the affairs of the Commonwealth, in their several departments.

The acquisition of New Mexico and California, presents again in the National Congress, the important question of the extension of human slavery. At the adoption of the National Constitution, the longer continuance of what was then considered an evil, was strongly agitated, and resulted in a compromise permitting it in the States where at that time it existed.

The Constitution being submitted to the States, was adopted, with others, by Pennsylvania, and after the lapse of more than half a century, it remains the great fundamental law of the Union. To preserve and perpetuate it; to acknowledge its supremacy; to maintain and defend its principles; and to submit to its compromises, are duties to which every citizen is pledged, whatever his opinions in relation to questions arising under it. This fundamental law recognizes the right to hold slaves in the States which were parties in the compact, but it makes no further acknowledgment. It bears on its plain and expressive page, no agreement, express or implied, for the further extension of human slavery. That this national wrong has been extended with the progress of population, is not an argument in favor of its justice, its constitutional right, or of the salutary effects it has produced in the territories where it has been admitted. Shall it be still further extended? To the Congress of the United States belongs the authority to settle this im-



portant question. Before it shall have been determined, the opinion of our citizens on the subject should be fully and distinctly made known through their public functionaries, to the confederate States. The right to instruct our Senators, and request the Representatives in the National Councils, ought not to be used on light and trivial occasions, while on subjects gravely affecting the well being of the country, it becomes a duty which none will venture to decline. In the exercise of this admitted right, the Legislature will find the opportunity to express, in terms not to be mistaken, the position which is held by Pennsylvania on this grave and momentous question.

While the compromises of the Constitution should be maintained in good faith towards our southern brethren, it is our duty to see that they are preserved with equal fidelity to ourselves. No encroachments, however sanctioned by use, should be acknowledged as precedents for further wrongs against the interests, prosperity, and happiness of the non-slaveholding States of the Union.

If slavery be, in itself, an infraction of human rights—if it be directly opposed to the enlightened spirit of our free institutions—if it destroy the equality of power in the General Government, by enlarging, where it exists, the constitutional representation—if it possess a direct or indirect influence against northern and western policy and interests, by promoting a system of laws destructive to domestic industry, and vitally affecting free labor—if it retard the natural growth of population and improvement, by the appropriation of large tracts of land, for the benefit of the few, to the injury of the many—if it be in open defiance of the spirit of the age, the march of rational truth, and the enlightened policy of mankind—it is time to arrest its further progress. These, it is believed, are the settled convictions of our citi-

zens, and their determination to maintain them is unalterable.

Fellow Citizens:—My duty is now performed. I have endeavored to present to the representatives of the people, such matters as are deemed important to the interests of our mutual constituents. To the wisdom, virtue, and intelligence of the Assembly, with a firm reliance upon the assistance of the Omnipotent Being, from “whom cometh every good and perfect gift,” may be safely confided the performance of every duty, calculated to secure the happiness, the honor, and the welfare of the country.

WM. F. JOHNSTON.

Executive Chamber, January 6, 1849.

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To the Senate Nominating Robert P. Maclay to be an Associate Judge of the Court of Common Pleas for Clarion County.

Executive Chamber,  
Harrisburg, January 9, 1849.

Senators:—

**D**URING THE RECESS OF THE SENATE, I COMMISSIONED Robert P. Maclay to be an associate judge of the court of common pleas of Clarion county, in the room of the honorable Charles Evans, deceased.

I do now hereby nominate for the advice and consent of the Senate, the said Robert P. Maclay, to be an associate judge for the county of Clarion.

WM. F. JOHNSTON.

To the Senate, Giving Notice of the Governor's Resignation as a Member of that Body.

To the Hon. George Darsie, Speaker of the Senate:

Sir:—

**P**ERMIT ME, THROUGH YOUR KINDNESS, TO present to the Senate my resignation as a member of that body.

I am truly yours,

WM. F. JOHNSTON.

13th January, 1849.

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To the Senate, Transmitting the Governor's Resignation as Speaker of that Body.

Senators:—

**I** HEREBY TENDER MY RESIGNATION AS Speaker of the Senate of Pennsylvania.

In retiring from a position so highly responsible and honorable, to which the kindness of my fellow Senators elevated me, at the close of the last session, I cannot refrain from an expression of deep gratitude for that distinguished mark of your confidence. I separate from you with regret, as the associations of last winter were the most cherished of my political life. Urbanity and gentleness characterized the intercourse of the members, and rendered the Senate chamber the seat of courteous debate and calm deliberation.

I remain respectfully,

Your obedient servant,

WM. F. JOHNSTON.

13th January 1849.

To the Speaker of the Senate Giving Notice of the Appointment of Townsend Haines to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 17, 1849.

To the Hon. George Darsie, Speaker of the Senate:

Sir:—

**I** HAVE THIS DAY APPOINTED AND COMMISSIONED under the Great Seal of the State, Townsend Haines, of Chester county, to be Secretary of the Commonwealth of Pennsylvania, agreeably to the provisions of the eighth section of the second article of the Constitution.

WM. F. JOHNSTON.

Inaugural Address to the Assembly—1849.

Friends and Fellow Citizens:—

**T**HE KINDNESS AND CONFIDENCE OF THE people having cast upon me the Executive functions of the government, and the prescribed oath to support the Constitution having been administered, I should be false to the sacred trust reposed in me, and unworthy the confidence manifested, did I not deeply feel the responsibility of my position, and firmly resolve to merit your support.

Profoundly sensible, however, of my own weakness, and fully conscious that without the encouragement and assistance of the people, the Chief Magistrate is unable properly to discharge the high duties of his station, and instead of the substance of popular power, becomes the empty shadow of Executive authority, I would earnestly invoke at the hands of the citizens, the efficient aid of the same spirit, which called into



existence the free institutions of our country, to assist me in supporting and defending them.

At the commencement of an administration, it has been a custom with the Executive, to indicate the principles which will govern his councils, and the measures he may desire for the benefit of the State. The annual message delivered at the opening of the present session of the Legislature, has superseded the necessity of a strict compliance with this usage, and on this occasion it will suffice to refer to a few general views of the public policy that shall receive at my hands, the fullest and steadiest support and consideration.

At all times, and under all circumstances, the highest obligation of the public servant, is the maintenance and defence of our republican institutions. That these shall receive, in the exercise of Executive power, a sound interpretation—that no impediment shall interpose to prevent the salutary influence of their principles—that the popular mind, when understood, shall be obeyed, are indices which no public officer will disregard.

The founders of the republic, inspired with profound wisdom, declared, that all men are born equally free and independent; that the right of defending life and liberty, of acquiring, possessing and protecting property and reputation are indefeasible; that all power is inherent in the people, and all free governments are founded on their authority; that no preference shall ever be given by law to any religious establishments or modes of worship; that no one can be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land; that no man's property shall be taken or applied to public use, without the consent of his representatives; that education should be promoted, and the blessing of intellectual culture placed within the reach of every

citizen. History and experience have demonstrated the justice of these principles, and private feeling, as well as public duty, demand for them a cordial support.

It is a venerated maxim, that the object of all just government, is the greatest good of the greatest number. In reducing this theory to practice, it shall be a constant endeavor to procure such legislation as shall promote religion and morality, and encourage science and literature. It will also be deemed a duty to elevate, by proper means, the condition of the laboring classes of society; to advance the active industry of the citizen, and foster commerce, agriculture and manufactures. Measures for the reduction of the public debt, and the consequent relief of the tax-paying and burthened people, shall at all times receive a most cordial support.

An indebted nation cannot command the full measure of its independence, nor feel the entire blessings of its institutions. Whatever may be its desire to promote active objects of general benevolence, its resources refuse a compliance with its will, and national justice is thereby frequently delayed. With a deep conviction of the importance of this subject, and a settled confidence that the people will sustain any safe measures having in view the payment of the debt of the State, it shall be a constant aim to place our finances in a condition to discharge every public obligation, to maintain unsullied the honor of the Commonwealth, and to preserve unspotted its motto, of "VIRTUE, LIBERTY, AND INDEPENDENCE."

The intentions of the people are pure, and are uniformly directed to advance the general prosperity. When, therefore, they believe a public functionary feels an anxious desire in unison with their own, for the public welfare, they will willingly pardon errors of judgment, and sustain him in his public course.

It is hoped the same generous and manly sentiment, the same construction of motives, the same appreciation of public conduct, which have been extended to others, in similar positions, will shield the administration about to commence, from at least unmerited censure. An evil spirit is at work amongst us, against whose malign influence all should be on their guard. It is that spirit which creates a wrong where none exists—which in advance condemns the public servant, and labors to destroy confidence in the honesty of his designs—which, unwilling to judge of works, draws from its guilty imaginings the sceptres of a corrupt heart, and holds them up to public gaze, as substantial truths. It is the same spirit which would array in hostile position the classes into which society divides—that would place capital and labor, the rich and the poor, at variance with each other. It is the spirit that animates the bosom of the Catalines of every age.

In Europe there are noblemen and peasants, political and social distinctions, created and sustained by law, and sanctioned by prescription. In this country all are equal under the law, and no politician, no party in our country, would desire a change in this fundamental principle of our Constitution. Factitious distinctions can have no residence where they are not sustained by law, and such are the sudden transitions of wealth among the citizens, that the rich man of yesterday is the poor man of to-day, and the poor of to-day, the rich of to-morrow. Where property is not secured by legal enactment to particular classes, and wealth is unguarded by immemorial privileges, an enlightened self interest will teach the rich to hold in reverence the rights of the poor, for their condition may be changed in themselves or their offspring.

The rich and the poor are equally dependent on each other, for the comforts and luxuries of civilized

life—separate them and the interests of both perish—the capital of the rich is valueless without the assistance of the capital of labor.

The most dangerous, because the most insidious enemies of the Republic, are those who prowl among the honest, unsuspecting citizens, whispering insinuations against men, whose every interest is connected with the welfare of the country. Such men should be rebuked, as dangerous to the well being of society, as sacrificing at the shrine of party, truth, honor, patriotism, and as tearing asunder the confidence which holds us together as one people.

In the discharge of my official duties, I shall ever bear in mind the oath of fidelity to the Constitution, and shall endeavor, with my utmost ability, to perform the sacred trust committed to my charge. That I shall err in judgment when most anxious to do right, must be anticipated, for human intelligence is incapable of reaching unerring truth, and the hope that a generous forgiveness on your part will accompany honest intentions, will sustain me; and if, at the end of my term of service, it shall be my fortune to leave the people of my native State happier and more prosperous than I found them, I shall ask no prouder inscription over my grave.

With a firm reliance that the God of nations will preserve our happy country as the home of His people, and will lend His support to an anxious endeavor to promote their interests, and perpetuate their civil and religious institutions, I enter on the discharge of the duties of the Executive Department of the State.

WM. F. JOHNSTON.

January 16, 1849.



To the Assembly on the Observance of the Sabbath.

Executive Chamber,  
Harrisburg, January 24, 1849.

A CONVENTION COMPOSED OF A HIGHLY RESPECTABLE and esteemed portion of our fellow citizens who are desirous of preserving from violation the sanctity of the Sabbath day, having forwarded to me a memorial, containing at large, the views of that body on the use and employment of the public works on the Lord's day, and requesting that the attention of the Legislature should be invited to the subject, I have deemed it proper, in consideration of the importance of the question, and the number, respectability, and earnestness of the memorialists, to lay the proceedings before you.

WM. F. JOHNSTON.

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To the Assembly Transmitting Correspondence with the Widow of the Late Governor Francis Rawn Shunk.

Executive Chamber,  
Harrisburg, February 1, 1849.

Gentlemen:—

IN OBEDIENCE TO THE REQUEST OF THE LEGISLATURE, I transmitted to Mrs. Shunk, the resolutions in relation to the decease of the late Governor Shunk, and herewith furnish to your honorable bodies, a copy of the letter addressed to that lady, with her communication in answer to the same.

I have the honor to be,

Very respectfully,

WM. F. JOHNSTON.

## DOCUMENTS.

Executive Chamber,  
Harrisburg, January 23, 1849.

Mrs. Shunk:

Dear Madam—The accompanying resolutions, passed by the Legislature of this State, have been presented to me, with a request that I should transmit them to you, and at the same time, express “the regard of the two Houses for your elevated character, and their profound regret at the late Providential dispensation,” which deprived the State of an illustrious citizen, and you of a devoted friend and husband.

In presenting these resolutions, which I would beg you to accept from the Legislature as a tribute to your worth, and a proper testimonial to the memory of the illustrious deceased, allow me to mingle in their regrets the expression of my personal regard for the social and public virtues of the late Governor Shunk, and my unfeigned condolence for your afflicting bereavement.

I am, madam, with the highest regard,

Your obedient servant,

WM. F. JOHNSTON.

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Harrisburg, January 29, 1849.

His Excellency, Wm. F. Johnston:

Sir—I have had the honor to receive from the Secretary of the Commonwealth, your communication of the 23d inst., enclosing the resolutions adopted by the General Assembly, relative to the decease of my beloved husband, the late Francis R. Shunk.

The kind and generous manner in which you were pleased to refer in your annual message to the private virtues and public services of the deceased, and the promptness, liberality and unanimity which marked the action of the Legislature in the adoption of the proceedings and resolutions transmitted to me, have inspired feelings of the most profound gratitude.

Of the public character and services of the deceased, it is not for me to speak; but of his private and domestic virtues none can so fully appreciate them as myself. He was an honest man and a sincere Christian, a devoted husband and an affectionate father, whose greatest delight was in the family and social circle, and in making all around him cheerful and happy. Be pleased to convey to both Houses of the General Assembly, my most grateful sense of the honor they have done to his memory, and for the sympathy and generosity

manifested towards myself under the afflictive bereavement which I have sustained; and for yourself the tender of my most heartfelt thanks.

I am, dear sir,

Very respectfully,

Your obedient servant,

JANE F. SHUNK.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,

Harrisburg, February 6, 1849.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE  
and consent of the Senate, Ebenezer C. Winslow,  
to be an associate judge of the court of common  
pleas of Elk county.

John A. Baker, to be an associate judge of the court  
of common pleas of Perry county.

Thomas S. Cunningham, to be an associate judge  
of the court of common pleas of Mercer county, in  
room of Hon, John Newell, deceased.

WM. F. JOHNSTON.

To the Assembly Vetoing "An Act Extending Mar-  
ket Street and Water Street, in the Borough of  
Brookville, and to Declare the Width Thereof."

Gentlemen:—

**I** HEREWITH RETURN THE BILL, ENTITLED  
"An Act extending Market street and Water  
street, in the borough of Brookville, and to de-  
clare the width thereof," to the House in which it orig-  
inated, with my objections to the same.

By an act, entitled "An Act extending Market street and Water street, in the borough of Brookville, Jefferson county, and to declare the width thereof," approved February 5th, 1849, the provisions of the bill herewith returned, are literally enacted and have become a law. It is believed that both acts are intended for the same borough, and, therefore, the latter must be wholly useless.

WM. F. JOHNSTON.

Executive Chamber,

Harrisburg, February 9, 1849.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,

Harrisburg, February 13, 1849.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, Joseph Butler, to be an associate judge of the court of common pleas of Carbon county.

John H. Keller, to be an associate judge of the court of common pleas of Northampton county.

WM. F. JOHNSTON.

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To the Senate Nominating James M. Stewart to be an Associate Judge of the Court of Common Pleas for Indiana County.

Executive Chamber,

Harrisburg, February 14, 1849.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, James M. Stewart, to be an associate judge of the court of common pleas of Indiana county.

WM. F. JOHNSTON.



To the Senate Nominating Samuel Shafer to be an Associate Judge of the Court of Common Pleas for Chester County.

Executive Chamber,  
Harrisburg, March 1, 1849.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Samuel Shafer, to be an associate judge of the court of common pleas of Chester county.

WM. F. JOHNSTON.

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To the Senate Nominating Frederick Watts to be President Judge of the Ninth Judicial District.

Executive Chamber,  
Harrisburg, March 6, 1849.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Frederick Watts, to be president judge of the several courts of the ninth judicial district of this Commonwealth, composed of the counties of Cumberland, Perry and Juniata.

WM. F. JOHNSTON.

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To the Assembly Transmitting a List of the Pennsylvania Officers of the Army who Distinguished Themselves in the Mexican War.

Gentlemen:—

I HEREWITH TRANSMIT A LIST OF THE OFFICERS of the United States army, natives of Pennsylvania, who distinguished themselves in the late war with Mexico, with the regiment or corps to

which they were attached, and the date of their brevet rank.

It is believed that other States have taken honorable notice of their officers in the regular army, who risked their lives and nobly maintained the national honor in the recent contest with Mexico; and their example should remind us that something is due to the brave and heroic officers yet living, who, in the sanguinary battles of the late war, signalized themselves by meritorious conduct, and proudly sustained the just renown of our beloved Commonwealth.

WM. F. JOHNSTON.

Executive Chamber,

Harrisburg, March 20, 1849.

*List of Officers of the United States Army, (natives of Pennsylvania), who distinguished themselves in the late war with Mexico.*

| Names and Rank.             | Regiment and Corps.      | Date of Brevet.                     | Reasons of Brevet.   |
|-----------------------------|--------------------------|-------------------------------------|--|
| Col. P. F. Smith, .....     | Mounted rifles, .....    | Maj. gen. brt. 20th Aug. '47, ..    | For gallant and meritorious conduct in the battles of Contreras and Churubusco, M.         |
| Lt. Col. H. Wilson, .....   | 1st regt. infantry, .... | Col. brt. 23d Sept. '46, .....      | For gallant and meritorious conduct in the battle of Monterey, Mexico.                     |
| Maj. F. Lee, .....          | 4th regt. infantry, .... | Lt. col. brt. 20th Aug. '47, .....  | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.    |
| Maj. G. A. McCall, .....    | 3d regt. infantry, ..... | Lt. col. brt. 9th May, '46, .....   | For gallant and meritorious conduct in the battle of Palo Alto, Resaca de la Palma, Texas. |
| Maj. J. S. Simonson, .....  | Mounted rifles, .....    | Maj. brt. 13th Sept. '47, .....     | For gallant and meritorious conduct in the battle of Chapultepec, Mexico.                  |
| Capt. C. F. Smith, .....    | 2d regt. artillery, .... | Col. brt. 20th Aug. '47, .....      | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.    |
| Capt. J. McClellan, .....   | Topl. engineers, .....   | Lt. col. brt. 13th Sept. '47, ..... | For gallant and meritorious conduct in the battle before city of Mexico.                   |
| Capt. S. P. Heintzleman, .  | 2d regt. infantry, ....  | Maj. brt. 9th Oct. '47, .....       | For gallant and meritorious conduct in the battle of Huamantla, Mexico.                    |
| Capt. T. B. Linnard, .....  | Topl. engineers, .....   | Maj. brt. 23d Feb. '47, .....       | For gallant and meritorious conduct in the battle of Buena Vista, Mexico.                  |
| Capt. J. B. Backenstos, ... | Mounted rifles, .....    | Maj. brt. 20th Aug. '47, .....      | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.    |
| Capt. A. Porter, .....      | Mounted rifles, .....    | Maj. brt. 13th Sept. '47, .....     | For gallant and meritorious conduct in the battle of Chapultepec, Mexico.                  |

|                              |                           |                                   |   |
|------------------------------|---------------------------|-----------------------------------|---|
| Capt. G. Nauman, .....       | 1st regt. artillery, .... | Maj. brt. 20th Aug. '47, .....    | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| Capt. J. F. Roland, .....    | 2d regt. artillery, ....  | Capt. brt. 23d Sept. '46, .....   | For gallant and meritorious conduct in the battle of Monterey, Mexico.                    |
| Capt. J. H. Miller, .....    | 4th regt. artillery, .... | Maj. brt. 12th Oct. '47, .....    | For gallant and meritorious conduct in the battle in defence of Puebla, Mexico.           |
| Capt. G. O. Haller, .....    | 4th regt. infantry, ....  | Capt. brt. 8th Sept. '47, .....   | For gallant and meritorious conduct in the battle of Molino del Rey, Mexico.              |
| Capt. J. P. J. O'Brien, ..   | Asst. quartermaster, ..   | Maj. brt. 23d Feb. '47, .....     | For gallant and meritorious conduct in the battles of Buena Vista, Mexico.                |
| Capt. G. Deas, .....         | Asst. adjt. general, ..   | Maj. brt. 20th Aug. '47, .....    | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| Capt. G. W. F. Wood, ....    | Asst. quartermaster, ..   | Maj. brt. 20th Aug. '47, .....    | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| Capt. Ed. H. Fitzgerald, ..  | Asst. quartermaster, ..   | Maj. brt. 13th Sept. '47, .....   | For gallant and meritorious conduct in the battle of Chepultepec, Mexico.                 |
| 1st Lt. S. Sitgreaves, ..... | Topl. engineers, .....    | Capt. brt. 23d Feb. '47, .....    | For gallant and meritorious conduct in the battle of Buena Vista, Mexico.                 |
| 1st Lt. P. W. M'Donald, ..   | 2d dragoons, .....        | Capt. brt. 20th Aug. '47, .....   | For gallant and meritorious conduct in the battles of Monterey, Contreras and Churubusco. |
| 1st Lt. S. K. Dawson, .....  | 1st regt. artillery, .... | Capt. brt. 13th Sept. '47, .....  | For gallant and meritorious conduct in the battle of Cerro Gordo, Mexico.                 |
| 1st Lt. J. B. Gibson, .....  | 1st regt. artillery, .... | 1st Lt. brt. 20th Aug. '47, ..... | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| 1st Lt. W. A. Nichols, ..... | 2d regt. artillery, ....  | Maj. brt. 8th April, '47, .....   | For gallant and meritorious conduct in the battle of Molino del Rey, Mexico.              |
| 1st Lt. H. F. Clarke, .....  | 2d regt. artillery, ....  | Capt. brt. 13th Sept. '47, .....  | For gallant and meritorious conduct in the battle of Chepultepec, Mexico.                 |
| 1st Lt. J. F. Reynolds, .... | 3d regt. artillery, ....  | Maj. brt. 23d Feb. '47, .....     | For gallant and meritorious conduct in the battle of Buena Vista, Mexico.                 |
| 1st Lt. J. C. Pemberton, ... | 4th regt. artillery, .... | Maj. brt. 8th Sept. '47, .....    | For gallant and meritorious conduct in the battle of Molino del Rey, Mexico.              |
| Capt. J. Van Horn, .....     | 3d infantry, .....        | Maj. brt. 20th Aug. '47, .....    | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |



*List of Officers of the United States Army, (natives of Pennsylvania), who distinguished themselves in the late war with Mexico—continued.*

| Names and Rank.             | Regiment and Corps.    | Date of Brevet.                   | Reasons of Brevet.  |
|-----------------------------|------------------------|-----------------------------------|---|
| 1st Lt. A. W. Bowman, ..    | 3d Infantry, .....     | Capt. brt. 13th April, '47, ..... | For gallant and meritorious conduct in the battle of Cerro Gordo, Mexico.                 |
| 1st Lt. P. Farrelly, ....   | 5th Infantry, .....    | 1st Lt. brt. 20th Aug. '47, ..... | For gallant and meritorious conduct in the battle of Cerro Gordo, Mexico.                 |
| 1st Lt. T. Hendrickson, ... | 6th Infantry, .....    | Capt. brt. 20th Aug. '47, .....   | For gallant and meritorious conduct in the battle of Cerro Gordo, Mexico.                 |
| 2d Lt. Geo. McClellan, .... | Engineer corps, .....  | 1st Lt. brt. 20th Aug. '47, ..... | For gallant and meritorious conduct in the battle of Cerro Gordo, Mexico.                 |
| 2d Lt. W. B. Franklin, ..   | Topl. engineers, ..... | 1st Lt. brt. 23d Feb. '47, .....  | For gallant and meritorious conduct in the battle of Buena Vista, Mexico.                 |
| 2d Lt. J. Oakes, .....      | 2d dragoons, .....     | Capt. brt. 8th Sept. '47, .....   | For gallant and meritorious conduct in the battles of Medelin and Molino del Rey, Mexico. |
| 2d Lt. A. D. Tree, .....    | 2d dragoons, .....     | 1st Lt. brt. 20th Aug. '47, ..... | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| 2d Lt. W. S. Hancock, ....  | 6th Infantry, .....    | 1st Lt. brt. 20th Aug. '47, ..... | For gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico.   |
| 1st Lt. Chas. L. Kilburn, . | 3d artillery, .....    | Capt. brt. 23d Feb. '47, .....    | For gallant and meritorious conduct in the battle of Buena Vista, Mexico.                 |

To the Assembly Concerning the Boundary Stone  
Between the States of Pennsylvania, Maryland and  
Delaware.

Executive Chamber,  
Harrisburg, March 21, 1849.

Gentlemen:—

**I**T WOULD APPEAR FROM EVIDENCE IN MY possession, that the boundary stone where the States of Pennsylvania, Maryland and Delaware join, has been removed, lost or destroyed; and having been officially informed that the Legislatures of the States of Maryland and Delaware, have authorized and empowered the Executives of those States respectively, to appoint a commissioner, whose duty it shall be to act in conjunction with similar commissioners on the part of the other States, in ascertaining the original site from which said boundary stone has been removed, lost or destroyed, and in erecting thereon some suitable monument which may hereafter be permanent, I deem it my duty to recommend to the Legislature the adoption of resolutions giving authority to the Executive to appoint a commissioner on the part of Pennsylvania for the purpose aforesaid. The concurrent action of the Legislature of this State, is alone wanting to the appointment of a commissioner with full powers over the subject.

WM. F. JOHNSTON.

To the Senate Nominating John F. Ruhe to be an Associate Judge of the Court of Common Pleas for Lehigh County.

Executive Chamber,  
Harrisburg, March 22, 1849.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, John F. Ruhe to be an associate judge of the court of common pleas of Lehigh county.

WM. F. JOHNSTON.

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To the Assembly Concerning a List of Officers not now in the Army of the United States, Natives of Pennsylvania, who Distinguished Themselves in the Late War with Mexico.

Gentlemen:—

**I** HAD THE HONOR, A FEW DAYS AGO, TO transmit to the Legislature, a list of officers now in the army of the United States, natives of Pennsylvania, who distinguished themselves in the late war with Mexico, with the regiment or corps to which they were attached, and the date of their brevet rank. Since the date of that communication, I have been furnished with a further list, embracing those officers who were disbanded at the close of the war, who also received brevets for gallantry and good conduct. They are equally entitled with those first mentioned, to the approbation of their country, and to the remembrance of their native State. It is therefore recommended, that whatever action may be taken by the Legislature on the subject, shall include these meritorious officers.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, March 26, 1849.

*List of Officers, natives of Pennsylvania, who were disbanded at the close of the war with Mexico, and breveted for gallant and meritorious conduct.*

| Name.                                | Regiment.        | Brevet.               | Born.           | Gallant and Meritorious Conduct.          |
|--------------------------------------|------------------|-----------------------|-----------------|---|
| 1st Lieut. Charles M. Creaner, ..... | 12th Infantry, . | Captain, .....        | Pennsylvania, . | Paso Oreja, National Bridge, Cerro Gordo. |
| 2nd Lieut. William D. Wilkins, ....  | 15th Infantry, . | First Lieutenant, ... | Pennsylvania, . | Paso Oreja, National Bridge, Cerro Gordo. |
| Col. George W. Morgan, .....         | 15th Infantry, . | Brigadier General, .. | Pennsylvania, . | Contreras, Cherubusco.                    |
| Capt. William H. Irwin, .....        | 11th Infantry, . | Major, .....          | Pennsylvania, . | Contreras, Cherubusco.                    |
| Capt. Presley N. Guthrie, .....      | 11th Infantry, . | Major, .....          | Pennsylvania, . | Contreras, Cherubusco.                    |
| 1st Lieut. T. F. M'Coy, .....        | 11th Infantry, . | Captain, .....        | Pennsylvania, . | Contreras, Cherubusco.                    |
| 1st Lieut. C. P. Evans, .....        | 11th Infantry, . | Captain, .....        | Pennsylvania, . | Contreras, Cherubusco.                    |
| 1st Lieut. B. H. Harley, .....       | 11th Infantry, . | Captain, .....        | Pennsylvania, . | Contreras, Cherubusco.                    |
| 2nd Lieut. A. H. Tippin, .....       | 11th Infantry, . | First Lieutenant, ... | Pennsylvania, . | Contreras, Cherubusco.                    |
| Brig. Gen. George Cadwalader, .....  | .....            | Major General, ....   | Pennsylvania, . | Chepultepec.                              |
| Capt. Charles J. Biddle, .....       | Voltigeurs, .... | Major, .....          | Pennsylvania, . | Chepultepec.                              |
| 1st Lieut. W. S. Walker, .....       | Voltigeurs, .... | Captain, .....        | Pennsylvania, . | Chepultepec.                              |
| 2nd Lieut. W. J. Martin, .....       | Voltigeurs, .... | First Lieutenant, ... | Pennsylvania, . | Chepultepec.                              |



To the Assembly Concerning a Government Purchase of Land Adjoining Frankford Arsenal, in the State of Pennsylvania.

Executive Chamber,  
Harrisburg, March 27, 1849.

Gentlemen:—

THE GOVERNMENT OF THE UNITED STATES, contemplating the purchase of land adjoining the Frankford arsenal, in this State, an act of Congress was passed and approved the third day of March, 1849, which appropriated the sum of twenty thousand dollars for that purpose, and the further sum of fifteen thousand dollars for erecting suitable buildings and machinery for the manufacture of percussion caps at the same place. By a resolution of Congress, approved September 11th, 1841, it is provided, "that no public money shall be expended upon any site or land hereafter to be purchased by the United States, until the consent of the Legislature of the State in which the land or site may be, shall be given to said purchaser." In order, therefore, to enable the United States to make the purchase contemplated, and to erect the necessary buildings thereon, I would earnestly recommend the passage of an act granting the consent of the State for the purpose aforesaid. The letter of the Secretary of War to me, on the subject of the foregoing recommendation, is herewith transmitted.

WM. F. JOHNSTON.

DOCUMENT.

War Department,  
Washington, March 24th, 1849.

Sir: I enclose herewith a communication from the ordnance Bureau of this Department, respecting the intended purchase of a tract of land adjoining the Frankford arsenal, to which purchase the previous consent of the Legislature of your

State is necessary under the provisions of a joint resolution of Congress, and I have therefore the honor to request your Excellency to take measures to procure the passage of an act of the Legislature containing such a provision.

Very respectfully, your obedient servant,

GEORGE W. CRAWFORD,

Secretary of War.

His Excellency, the Governor of Pennsylvania,  
Harrisburg, Pennsylvania.

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To the Assembly Vetoing "An Act to Annul the Marriage Contract of William Johnston and Jerusha C. Johnston, His Wife."

Gentlemen:—

**I** HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, the act, entitled "An Act to annul the marriage contract of William Johnston and Jerusha C. Johnston, his wife," with my objections to the same.

After deliberate examination of the depositions which set forth the causes of the separation, the residence of the parties, and the circumstances which induced the application, there does not appear to exist in the case, anything to prevent the court of the proper county from taking cognizance of the complaint. The petitioner, to sustain her application, relies on the evidence of bad treatment by the husband, of cruel and barbarous conduct, and of such indignities to her person as to render her condition intolerable and life burthensome, which forced her to withdraw from his house. The act of Assembly of this State, entitled "An Act concerning divorces," passed the 13th day of March, 1815, gives to the courts of common pleas of the different counties, the power to decree divorces in cases where the cause of complaint is such as is

here presented. No doubt can exist as to the authority of the court over the whole subject matter of the difficulty as presented by the evidence. Such being admitted as unquestionable, one course, only, is left me to pursue. By the fourteenth section of the first article of the Constitution, it is declared that, "the Legislature shall not have power to enact laws, annulling the contract of marriage, in any case where by law the courts of this Commonwealth are or may hereafter be empowered to decree a divorce." The act, therefore, to my mind, is clearly unconstitutional. Whatever may be my repugnance to the interposition of the Executive authority to negative a law of the Legislature, a higher obligation to preserve inviolate the supreme law of the State, demands, in the instance before me, the exercise of the power with which I am entrusted.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, April 3, 1849.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 5, 1849.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Horace Williston, to be president judge of the thirteenth judicial district, composed of the counties of Bradford, Tioga, Potter and McKean.

William Jessup to be president judge of the eleventh judicial district, composed of the counties of Luzerne, Susquehanna and Wyoming.

Nathaniel B. Eldred to be president judge of the twenty-second judicial district, composed of the counties of Monroe, Pike, Wayne and Carbon.

David F. Gordon to be president judge of the twenty-third judicial district, composed of the county of Berks.

George Taylor to be president judge of the twenty-fourth judicial district, composed of the counties of Huntingdon, Blair and Cambria.

Daniel Durkee to be president judge of the nineteenth judicial district, composed of the counties of York and Adams.

Joseph Hunsicker to be an associate judge of the court of common pleas of Montgomery county, to take effect at the expiration of the present session of the Senate.

Stogdel Stokes to be an associate judge of the court of common pleas of Monroe county.

William S. Hendrie to be an associate judge of the court of common pleas of Bucks county.

WM. F. JOHNSTON.

To the Senate Nominating John J. Pearson to be President Judge of the Twelfth Judicial District.

Executive Chamber,  
Harrisburg, April 6, 1849.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, John J. Pearson, of Mercer county, to be president judge of the twelfth judicial district, composed of the counties of Dauphin and Lebanon.

WM. F. JOHNSTON.

Address at the Laying of the Corner Stone of the State Insane Asylum at Harrisburg.—1849.

Fellow Citizens:—

**A** NOBLE CHARITY HAS BEEN COMMENCED, a home is being made for the insane poor. After several unsuccessful attempts, the Legislature, on the 14th day of April, 1845, passed an act "to estab-



lish an asylum for the insane poor of this Commonwealth, to be called the Pennsylvania State Lunatic Hospital and Union Asylum for the insane." By a supplement passed the 11th day of April, 1848, the name by which the establishment was designated in the original bill, was changed, and it was declared that it should be called the Pennsylvania State Lunatic Hospital. This act with its supplement, appropriated the sum of fifty thousand dollars to purchase a tract of land, and to erect buildings thereon, and it nominated commissioners to select a site for the said asylum, and to contract for, and superintend the building thereof. Under the authority granted by these enactments the commissioners, with a taste and judgment which reflect credit on their discernment, selected the spot, on which we now stand, for its location, a spot of rare and exquisite beauty, overlooking the borough of Harrisburg, the Susquehanna river, the Penna canal and Central railroad; a spot near enough to the abundant markets of the borough, to afford to those who may hereafter inhabit the building, all that health might crave, all that disease might require, and yet at a distance sufficient to allow to the inmates the peace, silence and repose required by their condition; a spot combining the advantages of healthful climate, fountains of pure water, and a landscape varied with hill, lawn, and wood, of unsurpassed attraction.

In the progress of their duties, the commissioners have contracted with a skillful architect, for the erection of suitable buildings; the excavation is completed, the foundations are laid, and we are here assembled on this occasion to lay the Corner Stone of an asylum dedicated and inscribed to the protection and relief of the helpless and the afflicted. Owing to the fact that science, until comparatively a recent period, had not disclosed the knowledge, that insanity was

a disease capable of alleviation and cure, those who were so unfortunate as to lose the government of their rational faculties, were treated with a severity as cruel as it was unjust. Confined in jails and poor houses, chained in cellars, and garrets, in out-houses, in barns and stables, in cells and dungeons; denied the use of their limbs, the free atmosphere of heaven, the light and beauty of nature; denied even healthful food or décent raiment; they were doomed to perish without sympathy or regard. That such should have been their condition in the "middle ages" when force and fraud seemed to govern, and when a constant struggle existed between tyranny and freedom, is not surprising. The sympathies and freedom, is not surprising. The sympathies of mankind do not flourish amid the elements of discord. It is, however, a matter of some surprise and a source of mortification and regret, that the condition of the insane poor in the State has received no marked alleviation, no striking benefits from the advancement of learning, of science and of liberal government. At the present moment hundreds, yea, thousands of these unfortunate beings, within the borders of our State, are confined in the most loathsome cells, destitute of the necessities and decencies of life; or wandering from house to house in all seasons subject to the insults of the thoughtless and the vicious, and gathering a precarious support from those whose feelings are shocked at the appearance of their destitution. In the counties where houses for paupers have been provided, they are cast into these establishments, without regard to sex, age or condition, among the dissolute and profane, and no means whatever are used to moderate their fitful excitements, or to alleviate their sufferings. Where no such institutions exist, they are confined in private dwellings, or are suffered to range at large, under circumstances more painful to the moral sense, than

can be well imagined by those who have not witnessed their wretchedness. A state of things so repugnant to the best sentiments of our nature, so linked and yoked with the barbarism of the past, abhorrent alike to the spirit of the age, and the social condition of mankind, should not be suffered to continue. The close of the last and the commencement of the present centuries, have added to our knowledge in relation to the insane, many important facts of which it would be criminal not to allow them the full benefit. The law of kindness is discovered to have an effect upon them of surprising efficacy. Sensible to the influences of feeling, even where reason has been driven from its throne, they are soothed by words and acts of tenderness, by the disuse of those instruments of torture and means of constraint formerly used to control their actions; and by the enjoyment of a regulated freedom, suited to their peculiar delusions. Nothing could have changed so radically their treatment as this discovery. The necessities of the case, with such knowledge as experience, has fully proved, in our profession, can alone excuse the exercise of force, or the bitterness of restraint. It has also been clearly shown that insanity is a disease, which, in eight cases out of ten, yields to proper medical treatment, and the patient is restored. The influence of these facts is producing throughout the civilized world, a change in the treatment of the most unfortunate creatures, as beneficial to themselves as it is grateful to our best affections. We begin to regard with horror the misery, the helplessness, and silent sinking into the grave of these wretched beings, under the torture of chain and dungeon, of continued solitary imprisonment, and we look forward with hope and confidence to the period when asylums will be established where ever needed, where these sons and daughters of affliction, shall hear the voice of friendship and humanity,

shall understand that kindred hearts are around them, and where enlightened medical treatment can be given to the best advantage. Our object in assembling here to day is to aid in rearing from these foundations, an establishment which shall open to the insane poor of this Commonwealth, a door through which they may pass, "without money and without price" to hope, to friendship, to all the delights of rational existence. It is an object in which we can all unite. The honor of the State demands it, the spirit of the age demands it, the appeal of the helpless and destitute must not be made in vain. Soon may it become a shelter to the wandering out-cast, a protection and relief to the helpless and afflicted, and long may it endure a monument of the generous humanity which prompted the State, in the midst of pecuniary difficulties, to unite with the good citizens of Dauphin county, to achieve an object so truly benevolent and christian-like.

April 8, 1849.

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Reply to an Invitation of the Whigs of Philadelphia to Participate in a Celebration of Independence Day.

Executive Chamber,  
Harrisburg, July 19, 1849.

Gentlemen:—

YOUR LETTER OF INVITATION TO UNITE with the Whigs of Philadelphia, in celebrating the anniversary of our country's independence, was received on the 16th instant, on my return to the seat of government, from a visit to the western part of the State.

I regret, gentlemen, the necessity which required



my absence, and precluded the possibility of my attendance at the time, and on the occasion referred to. To have partaken, with the Whig citizens of the city, in their patriotic celebration of our National Anniversary—to have united in their sentiments, and witnessed the spirit and harmony of their devotion to the great principles of the party, would have afforded me the highest gratification, and I can not suffer your kind communication to pass without the tender of my acknowledgments to the Committee, and the citizens represented—

In the election of Zachary Taylor, the Whigs of the Union have great cause for congratulation, and none for regret. In him we see a pure and a sound American, zealous for the prosperity of the whole Union, anxious for peace, public faith, and justice with all nations, and for the establishment of a national policy, calculated to maintain them. With a Cabinet chosen from among the ablest Statesmen of the country, and devoted to the principles of the Constitution, his administration deserves the confidence, while his heroic sacrifices and private virtues command the affections of the people.

In dispensing the patronage of the Government, political friends must be disappointed, and discontent may utter murmurs of complaint; but the principles of the Whig party, recognized by the Constitution, and sanctioned by the example of Washington, must remain unshaken, and will receive the cordial support of the party, whoever may be in the discharge of public duties, or the recipient of official favors.

Again, tendering to you my thanks for the kind invitation to your celebration,

I remain, most truly

Your fellow-citizen and friend

WM. F. JOHNSTON.

To Messrs. Benjamin Matthias and others, Committee, &c.

Address of Welcome to President Taylor upon the  
Occasion of His Visit to the Capital of Pennsylvania.

Mr. President:—

AS THE HONORED ORGAN OF THE CITIZENS of this Commonwealth, it affords me unfeigned pleasure to welcome you within our borders. In their name, and speaking their sentiments, I tender to you the hospitalities of the State. To you, it must be a source of gratification, and a measure dictated by a proper regard for your health, to leave, for a brief period, the desk of official duty—the cares, the anxieties, and labors incident to your responsible station and to forget, amidst the happy countenances of an honest and industrious people, the perplexities of public office. To us, the presence of the Chief Executive of the National Government, in whom are reposed in connection with other branches thereof, the peace, the honor, the dignity, the public faith and public justice of the country, and the prosperity of the citizens, affords an opportunity of manifesting our devotion to the sacred cause of freedom, in our undissembled respect to the most exalted officer of the Republic. Although your fame as a military commander extends to the furthestmost corners of the earth, and will endure so long as heroic courage, tempered with humanity, is considered a virtue;—we see you, on this occasion, clothed in a still nobler character; wreathed with a bright diadem—the recipient of a people's love and admiration;—as the supreme officer of the only free government of the age. Viewing you in this aspect, we have raised no arches to military merit,—prepared no laurels for a hero's brow,—sounded no trumpet to herald a conqueror's approach;— but we have met you as citizens who love their country without party distinctions, to honor your peaceful virtues and your public character, and to open to our homes

and firesides a free passage for our distinguished guest.

In passing through our ancient Commonwealth, traversing our valleys and our mountains,—in hastily glancing at the exhaustless resources of industry and wealth, in the agricultural, manufacturing, and mineral departments of the country; in travelling through our towns and villages, and witnessing the occupations of our people, you cannot fail to observe the sources of our prosperity, and the means calculated to encourage them. In mingling in social intercourse with us, receiving our congratulations, and partaking of our hospitalities, you teach the true principle of equality on which our Government is founded, and leave behind a salutary pride for our free institutions. To us, therefore, as to yourself, your visit will be of lasting benefit.

Reiterating the gratification of our citizens at your presence among them, I cordially welcome you to our hearts and our homes.

WM. F. JOHNSTON.

Aug. 15, 1849.

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Proclamation of a Day of Thanksgiving.—1849.

Pennsylvania ss.

[Signed] Wm. F. Johnston.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. By WILLIAM F.  
JOHNSTON, Governor of the  
said Commonwealth.

## A PROCLAMATION.



A beneficent God has blessed the people of this Commonwealth with health and abundance. The fields have yielded bountiful returns to the labors of the husbandman. The enterprises of the Citizens, in all branches of industry, have been appropriately rewarded. Peace with all nations, has been vouchsafed to the Country. Civil and religious liberty, under the institutions of free Government, have been preserved inviolate, and the largest measure of earthly happiness, has been graciously dispersed by an allwise, and merciful Providence.

These blessings demand our gratitude to Him, in whose hands are the issues of life or death,—who controls and directs the affairs of men,—whose will is omnipotent to save or destroy; and who mingles in the justice of His Judgments, the attributes of His mercy,—before whose power nations are exalted or cast down,—and they call upon us as one people, to unite in solemn Thanksgiving,—in humble supplication and praise to the Almighty author of every good and perfect gift for these his undeserved blessings, to his weak and sinful creatures. They require the profound reverence of penitent hearts, sensible of the unworthiness of humanity, and of the enduring mercy of a righteous God.

Believing these solemn truths; deeply impressed with the duty of devout adoration and humble prayer; in compliance with a venerated custom, and the desires of the great body of the people, I William F. Johnston, Governor of the Commonwealth of Pennsylvania, do hereby appoint and designate Thursday, the 29th day of November, next, as a day of general Thanksgiving throughout the State, and I do hereby recommend and earnestly invite all the good people of this Com-



monwealth to a sincere and prayerful observance of the same.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and forty nine, and of the Commonwealth the Seventy fourth.

By the Governor.

Townsend Haines

Secretary of the Comm'th.

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Annual Message to the Assembly—1850.

Fellow Citizens:—

THE LEGISLATIVE BRANCH OF THE GOVERN-  
ment meets under circumstances calculated to produce deep emotions of gratitude. The events of the past year cannot fail to afford assurance of the continued mercy of the Almighty Father of the universe, and of the blessings He has dispensed to the people of this Commonwealth. While in other parts of our country, and in distant lands, pestilence has made fearful ravages; leaving in its track the wretchedness of destitution, and the tears of crushed affections; a healthful climate, in the disposal of a righteous Providence, has preserved the citizens of the State comparatively free from the miseries of the destroyer. During a period of war, famine and civil commotion in the old world, bringing in their train desolation and want; blighting the hopes, paralyzing the industry, and ruining the prosperity of the people; our beloved Commonwealth, in union with others under the national constitution, has enjoyed the delights of peace, and her citizens, in the exercise of industrial pursuits, have found contentment and competence. To the Author and Guardian of our being, whose beneficence caused all things to work together

for our good, our reverence and gratitude are especially due.

The recent efforts for the establishment of liberal political institutions in Europe, have excited in the people of this country the warmest sympathies. The conflict between the oppressor and the oppressed, whatever may be the incidents or results, having for its object a government capable of protecting and extending political and social liberty, must be regarded by the people of the United States with the deepest solicitude. In the enjoyment of institutions which recognize the inherent rights of man, and are founded on the acknowledged principle that all political power is a trust to be exercised for the benefit of the citizen, they cannot witness the struggle between despotism and freedom, without ardent hopes and sincere prayers for the triumph of liberal and enlarged justice. It is impossible to behold a people, long the subjects of tyranny and oppression; enlightened by our example, and solicitous for equal enjoyments;—rising up beneath the burthens which centuries have heaped upon them;—casting aside the reverence for power, and the pride of regal splendor; looking forward to the establishment of human rights; to the elevation of the moral and social condition of society; and placing their lives and fortunes on the hazard of a struggle for these objects; without, on our part, an earnest, an anxious desire that they may succeed. The struggle has been unsuccessful. The arbitrary governments, in whose midst the noble band of patriots erected their standard, have succeeded with their immense force in maintaining tyrannical authority, and the brave men who fought for freedom, have either perished under the barbarous exactions of despotic will, or they wander in foreign lands, exiles from homes, that no longer afford security. It is not the policy of our national government to mingle in the controversies of foreign

nations, nor is it desirable that it should, by acts of hostility or friendship, break up the commercial relations which exist for mutual advantage; but it is, nevertheless, no violation of international law to enter our solemn protest and warning, against acts of cruelty and barbarism upon heroic men and defenceless women. It is no wrong for our government to unite with others, in the expression of indignation against the violation of national faith and national law, involved in the demand for sanguinary purposes, of the brave defenders of human rights.

The consideration of the Legislature is respectfully invited to the financial condition of the Commonwealth.

The present funded debt is as follows:

|                               |                 |
|-------------------------------|-----------------|
| 6 per cent. loans, . . . . .  | \$2,041,022 51  |
| 5 per cent. loans, . . . . .  | 37,336,716 90   |
| 4½ per cent. loans, . . . . . | 200,000 00      |
|                               | <hr/>           |
|                               | \$39,577,739 41 |

Unfunded debt, to wit:

|   |            |
|---|------------|
| Relief notes in circulation, (without interest,) . . . . .                            | 653,164 00 |
| Interest certificates outstanding, . . . . .  | 179,422 91 |
| Interest certificates outstanding, unclaimed, . . . . .                               | 4,448 38   |
| Interest on certificates to be added when the same shall be funded or paid, . . . . . | 11,294 34  |
| Domestic creditors, (on settlement,) . . . . .  | 85,104 88  |
|   | <hr/>      |
|   | 933,434 51 |

|  |               |
|--|---------------|
| Amount of canal, railroad and motive power debts, contracted prior to December 1, 1848, and unpaid by the appropriations of the last session, .... | 63,239 53     |
| Total indebtedness of Commonwealth, December, 1849, .....  | 40,574,413 45 |

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|  |                       |
|--|-----------------------|
| The funded debt on the 1st December, 1848, was .....   | \$39,393,350 24       |
| Unfunded debt, .....   | 1,081,386 69          |
| Amount of canal, railroad and motive power debt, contracted prior to December 1, 1848, ..... | 367,642 38            |
|  | <hr/> \$40,842,379 31 |

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|   |              |
|---|--------------|
| Amount of public debt paid during the year 1849, exclusive of the sum paid Commissioners of the Sinking Fund, | \$267,965 86 |
| Amount paid during the year 1849 to the Commissioners of the Sinking Fund, .....                              | 227,513 53   |

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|   |            |
|---|------------|
| Amount appropriated during the year 1849 toward payment of public debt, | 495,479 39 |
|---|------------|

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In exhibiting the operations of the Treasury for the last fiscal year, the sum of one hundred and thirty thousand dollars, borrowed on special loan for the avoidance of the Schuylkill inclined plane, and included in the aggregate of the public debt in December, 1849, should be added to the above stated sum of four hundred and ninety-five thousand four hundred and seventy-nine dollars and thirty-nine cents.



|  |                |
|--|----------------|
| The amount of receipts at the Treasury during the year ending December 1, 1849, is ..... | \$4,433,688 65 |
| The amount of expenditures during the same period is .....                               | 4,084,771 80   |
| Balance in the Treasury on December 1, 1848, .....                                       | 577,290 39     |
| Balance in the Treasury on December 1, 1849, .....                                       | 926,207 24     |

|  |              |
|--|--------------|
| Amount paid to Commissioners of the Sinking Fund to January 1, 1850, \$227,513 53, with which was purchased of the funded debt, and transferred to the Commonwealth, ..... | \$253,432 00 |
| Difference between the indebtedness of the State on the 1st December, 1848, and December 1, 1849, .....  | 267,965 86   |

|   |            |
|---|------------|
| Total amount of public debt paid during the year, ..... | 521,397 86 |
|---|------------|

Estimates of receipts at the Treasury during the year 1850:

|  |              |
|--|--------------|
| From lands, .....                                    | \$20,000 00  |
| Auction commissions, .....                           | 22,000 00    |
| Auction duties, .....                                | 50,000 00    |
| Tax on bank dividends, .....                         | 130,000 00   |
| Tax on corporation stocks, .....                     | 160,000 00   |
| Tax on real and personal estate, .....               | 1,330,000 00 |
| Tax on tavern licenses, .....                        | 80,000 00    |
| Tax on retailers' licenses, .....                    | 160,000 00   |
| Tax on pedlers' licenses, .....                      | 3,000 00     |
| Tax on brokers' licenses, .....                      | 12,000 00    |
| Tax on theatre, circus and menagerie licenses, ..... | 3,000 00     |

|   |              |
|---|--------------|
| Tax on billiard rooms, bowling saloons<br>and ten-pin alley licenses, ..... | 5,000 00     |
| Tax on distillery and brewery licenses, .....                               | 1,500 00     |
| Tax on eating houses, beer houses and<br>restaurant licenses, .....         | 15,000 00    |
| Tax on patent medicine licenses, .....                                      | 3,000 00     |
| Tax on pamphlet laws, .....   | 500 00       |
| Militia fines, .....  | 2,000 00     |
| Tax on writs, wills, deeds, &c., .....                                      | 40,000 00    |
| Tax on certain offices, .....   | 20,000 00    |
| Tax on collateral inheritance tax, .....                                    | 200,000 00   |
| Canal and railroad tolls, .....   | 1,825,000 00 |
| Canal fines and sale of old materials, .....                                | 5,000 00     |
| Enrollment of laws, .....   | 11,000 00    |
| Premiums on charters, .....   | 40,000 00    |
| Tax on loans, .....   | 125,000 00   |
| Inclined plane loan, .....  | 270,000 00   |
| Dividends on turnpike and bridge<br>stock, .....                            | 2,000 00     |
| Nicholson lands, .....  | 300 00       |
| Accrued interest, .....   | 5,000 00     |
| Refunded cash, .....  | 5,000 00     |
| Escheats, .....   | 2,000 00     |
| Fees of public offices, .....   | 2,000 00     |
| Miscellaneous, .....  | 2,000 00     |
| Interest on stock purchased, .....  | 15,000 00    |
|   | <hr/>        |
|   | 4,566,300 00 |

## Estimated payments

during the year 1850:

|                                      |              |
|--------------------------------------|--------------|
| To public improvements, \$640,000 00 |              |
| Expenses of government, 235,000 00   |              |
| Militia expenses, .....              | 4,000 00     |
| Pensions and gratuities,..           | 20,000 00    |
| Charitable institutions, ..          | 80,000 00    |
| Common schools, .....                | 200,000 00   |
| Interest on loans, .....             | 2,005,000 00 |

|   |            |              |
|---|------------|--------------|
| Guaranties of interest, ..                  | 32,500 00  |              |
| Domestic creditors, .....                   | 10,000 00  |              |
| Damages on public works,                    | 20,000 00  |              |
| Special commissioners, ..                   | 2,000 00   |              |
| State Library, .....                        | 2,000 00   |              |
| Public buildings and<br>grounds, .....      | 2,000 00   |              |
| Penitentiaries, .....                       | 15,000 00  |              |
| House of Refuge, .....                      | 5,000 00   |              |
| Nicholson lands, .....                      | 300 00     |              |
| Escheats, .....                             | 2,000 00   |              |
| Abatement of State tax,                     | 40,000 00  |              |
| Counsel fees and commis-<br>sions, .....    | 2,000 00   |              |
| Miscellaneous, .....                        | 5,000 00   |              |
| Inclined plane, (Schuyl-<br>kill,) .....    | 270,000 00 |              |
| North Branch canal, ....                    | 150,000 00 |              |
| Commissioners of the<br>Sinking Fund, ..... | 293,000 00 |              |
|   | <hr/>      | 4,034,800 00 |
|   |            | <hr/>        |
|   |            | 531,500 00   |
|   |            | <hr/> <hr/>  |

The foregoing estimated balance in the Treasury, at the end of the fiscal year 1850, would appear to justify the appropriation of forty thousand dollars toward the completion of the Western reservoir at Johnstown, as hereinafter recommended. It would also authorize the appropriation of a sum, not less than three hundred thousand dollars, in addition to the amount already appropriated, to be expended in the completion of the North Branch canal.

The Legislature, at its last session, authorized the re-issue of the relief notes then in circulation, and suspended their cancellation for three years.

|  |              |
|--|--------------|
| The amount of the whole issue now outstanding is, .....                | \$653,164 00 |
| The amount paid into the Treasury and supplied by a new issue is ..... | 443,537 00   |
|  | <hr/>        |
| Balance, .....   | 209,627 00   |
|  | <hr/> <hr/>  |

The above balance has been destroyed, or has failed to reach the Treasury during the year. These notes, the redemption of which being amply secured, and affording a safe and convenient local currency, have the confidence and favor of the citizens. It is, therefore, recommended that authority be given to the proper officers, to keep them in good condition, by a new issue, in lieu of such as may become mutilated and defaced.

In addition to the suggestions made to the last Legislature, on the subject of the moneyed affairs of the State, it is deemed proper to call your attention to the fact that a portion of the funded debt is overdue; a part bearing an interest of six per cent., and a part falling due the year 1850, as follows:

|  |              |
|--|--------------|
| The amount of five per cent, funded debt overdue, except bank charter loans, is .....        | \$354,519 10 |
| The amount of six per cent. funded debt overdue is .....                                     | 1,752,335 06 |
| The amount of five per cent. funded debt falling due on or before December 1, 1850, is ..... | 999,211 15   |
| The amount of unfunded debt now due,   | 85,104 88    |
|  | <hr/>        |

|  |              |
|--|--------------|
| Amount demandable at the Treasury during the year, ..... | 3,191,170 19 |
|  | <hr/> <hr/>  |

Provision should be made, at an early day, for arrangements with the creditors holding these claims.



To permit them to remain in their present condition would not only evince an indisposition to pay our just debts, but would also operate injuriously to the holders of the stock, by compelling sales at a price below their par value. The annual demands upon the Treasury, with the present means of the State, will not permit the payment of these loans; and the only practical mode which suggests itself seems to be the negotiation of new loans, stipulating an extension of the time of payment. It is believed that such loans could be negotiated at a rate of interest not exceeding five per cent. Should authority be given in the arrangements suggested, to stipulate that the said stock should be exempt from taxation, the inducements to investments therein would create such competition as would be highly advantageous to the Treasury. Justice and honesty require that these debts should be promptly paid, or arranged to the satisfaction of the parties interested; and any provision which the Legislature may deem proper on the subject, will meet the cordial approbation of the Executive.

The establishment of the sinking fund, by the appreciation of State stocks, and the consequent increase of confidence in the ability of the State to meet her engagements; with the replacement by a new issue of the old and defaced relief notes, has had the salutary effect of enabling the Treasury Department with slight expense in the exchange or transmission of means, to meet the payment of interest on the public debt in par money, as also to pay other creditors of the State in good funds. The payment of the public liabilities in the manner aforesaid, and the adoption of a system to extinguish eventually the public debt, must bring to their par value, the stocks of the Commonwealth. It is estimated that thirteen millions, forty-nine thousand dollars, of the public stocks are held in this country, and the addition in their value, by these simple

operations demanded alike by sound policy and honesty, will increase their marketable worth in the hands of the citizens one million nine hundred and fifty thousand dollars. To the efficiency of the State Treasurer, the Auditor General, and other officers charged with the collection and disbursement of the public moneys during the past year, is justly attributable in a high degree these favorable results.

The beneficial results of the sinking fund cannot be doubted. The payments from various sources to the commissioners, during the past year, have been as follows:

|  |              |
|--|--------------|
| From Collateral inheritance tax, . . . . .                           | \$180,212 41 |
| From Premiums on charters, . . . . .                                 | 35,969 40    |
| From Eating and oyster houses, and<br>restaurants, . . . . .         | 5,867 20     |
| From Billiard and bowling saloons and<br>ten-pin alleys, . . . . .   | 2,985 50     |
| From Theatre, circus and menagerie li-<br>censes, . . . . .          | 2,210 00     |
| From Distillery and brewery licenses,                                | 384 00       |
| <hr/>  |              |
| Amount received for the year end-<br>ing December 1, 1849, . . . . . | 227,629 01   |
| <hr/> <hr/>  |              |

The estimated payments for the same purpose, for the year ending December 1, 1850, are as follows:

|  |              |
|--|--------------|
| From Collateral inheritance tax, . . . . .                         | \$200,000 00 |
| From Interest on stocks purchased, ..                              | 15,000 00    |
| From Premiums on charters, . . . . .                               | 40,000 00    |
| From Theatre, circus and menagerie<br>licenses, . . . . .          | 3,000 00     |
| From Distillery and brewery licenses,                              | 1,500 00     |
| From Billiard and bowling saloons and<br>ten-pin alleys, . . . . . | 5,000 00     |

|  |             |
|--|-------------|
| From Eating and oyster houses and<br>restaurants, .....  | 15,000 00   |
| From Balance in Treasury, after de-<br>ducting appropriations hereinbefore<br>recommended, ..... | 91,500 00   |
|  | <hr/>       |
|  | 371,000 00  |
|  | <hr/> <hr/> |

The opinion is confidently expressed that the estimated receipts above stated, will be found to approximate the truth, should an adherence to the policy pursued by the last Legislature, in relation to premiums on charters, and other financial measures, be authorized and continued. Should such be the case, the above sum, at the present rates, would extinguish upwards of four hundred thousand dollars of the funded debt during the present fiscal year. The sources from which the sinking fund is supplied, must necessarily increase. The tax on collateral inheritance, and on theatre, circus and menagerie licenses, prior to the act creating a sinking fund, yielded to the Treasury about the sum of forty-five thousand dollars annually. By the provisions of that act, these have been increased to the sums above stated, and the other sources of revenue have been created by recommendations heretofore made to the Legislature.

With these means for the supply of the sinking fund, together with such additions as the probable resources of the Treasury from time to time may justify, it is susceptible of easy calculation to determine, how nearly approaches the period when the State taxes may be repealed, and the burthens of the people removed. So manifestly important are these results upon the industrial pursuits of the citizens, and the interests and honor of the State, it is suggested for consideration, whether good policy would not require the transfer of all balances in the Treasury, at the

end of each year, to the commissioners of the said local fund.

Every consideration that can impose itself on a government demands the payment of the public debt. The local advantages of our Commonwealth—the salubrity of our climate—the vastness of our mineral deposits—the fertility of our soil, and the prosperity and happiness of the people, alike require the repeal of a system of laws which compel emigration—prevent the settlement of uncultivated lands—drive capital from our borders, and paralyze the industry of every class of our citizens! Should these balances remain in the Treasury unappropriated to the said fund, the history of the past will remind us that prodigal expenditures will be made to objects of diminished importance.

The subject of the revision and equalization of the laws for raising revenue, is again earnestly pressed upon the attention of the Legislature. Great injustice arises under existing enactments, from the want of adequate means to prevent or to punish individuals making false returns of property subject to taxation. The conscientious citizen scrupulously exact in the performance of his obligations to society, may well complain of laws which suffer the dishonest to elude with impunity the payment of an equitable share of the public burthens. The tax on bonds, mortgages, and moneys at interest, is assessed so unequally, that great reason for complaint exists throughout the State. To remedy to some extent this evil, it would be well to require the prothonotaries of the several counties, to collect from the plaintiffs in judgments the tax thereon assessed, and if necessary, to compel payment by legal process, allowing to the officer entrusted with this duty a reasonable compensation, to be paid where the payment of the tax is made voluntarily, out of the fund, and by the plaintiff when the payment has been



compelled by legal process. A similar provision with regard to mortgages, giving the recorders the authority before stated in relation to judgments, would embrace these two items of taxation, and would doubtless compel the payment of a large amount of revenue, now fraudulently withheld.

The laws subjecting to a tax the commissions issued to officers of this Commonwealth, should be extended to embrace commissions of non-residents. The justice of taxing the citizens of the State, and of permitting non-residents who hold commissions under the government, to enjoy the emoluments free from taxation, cannot readily be perceived.

No effectual mode has been devised to compel the agents of foreign insurance companies to make a semi-annual exhibit of the amount of funds employed by their respective companies within this Commonwealth. A law having an effect of this character, is highly necessary, and would be productive of decided advantage. In the enactment of such a law, it would be well to make the certificate issued to agents of said companies, subject to taxation.

Incorporated companies of various kinds, deriving their charters elsewhere, have agencies in the State and transact business therein, and yet no accurate account is taken of the money employed, or of the value of the profits of their investments. Were the proper departments required to make a list of these incorporations, and authority given to ascertain the amount of the investments, the rate of dividends declared, or the profits made, and a tax was levied on such dividends, or profits, as well as on the capital stock employed, a large revenue to the Commonwealth would be the result.

While money borrowed by cities, boroughs, and incorporated districts, is subject by existing laws, to taxation, it is not perceived why money borrowed by

incorporated companies should be exempt from similar assessment. To make an equitable distribution of the public burthens, should be the special object of the Legislature, and care should be taken that no exemption should be allowed to any class of citizens over another, where the property employed is the same. Attention to the foregoing objects of taxation, will not only increase the revenue, but is demanded alike by justice and sound policy.

Next in importance to the public debt, and the equalization of the taxes, is the management of the public improvements. The vast expenditures annually made for the repair and supervision of these works, and the amount of revenue derived therefrom, so materially affecting the condition of the Treasury, render them objects of peculiar interest. It is believed that an increased amount of net revenue should be derived from these works. The enormous appropriations of the last year, for their maintenance in repairs, and towards the payment of debts theretofore contracted, should have placed them in a sound condition, and would authorize the conclusion that a small expenditure during the present season would be sufficient. In the absence of the annual report of the Canal Commissioners, no specific amount for these objects can be given by the Executive.

The system for the management of these improvements, invites unnecessary expenditures, and removes responsibility from the proper department. Were the number of Canal Commissioners increased to five,—the State divided into districts for the election and supervision of each Commissioner,—the direct and immediate charge and control of the district imposed upon one of these officers, requiring of him the performance of the duties now executed by superintendents and supervisors, and stipulating for the annual alternation of the said Commissioners; much practical

information of interest to the State would be acquired; a direct responsibility for the well ordered condition of the public works, and the economy of expenses would be secured; and the large discretionary powers now vested in superintendents and supervisors, in the adoption of plans and payment of money for repairs, would be placed in officers directly accountable to the people. In relation to this subject, legislation should be clear and specific, as discretionary power over the money of the citizen must be deprecated by right thinking men.

The method adopted in the management of the public works is evidently defective. Repairs on the canals and railroads are made in a way to prevent all competition. Were the several services performed by contract, and awarded to the lowest bidder, giving the required security, can there exist a doubt of favorable results to the public interests.

The State does not derive an adequate share of the profits arising from the use of the Columbia railroad. The construction of the road;—its maintenance and supervision, and the supply of the motive power, involving great expense and risk, demand from the profits of the road a larger return than finds its way to the Treasury. An evil so detrimental to the public interests calls for a speedy remedy.

It is suggested that the Canal Commissioners should be required to invite proposals for furnishing the motive power on the said road, stipulating in detail the services to be performed, and the nature of the security to be given. The object being to procure competition in the supply of the motive power, encouragement should be given to individuals, willing to undertake the duty of running one or more locomotives on the road, whether belonging to the State, or the individual bidder. Should the locomotives belonging to the State, be furnished to the bidders, the con-

tract should stipulate the terms on which they should be used.

The transportation of passengers should be done by contract with the lowest bidder. In the agreement, it would be necessary that the Canal Commissioners should fix the kind of cars, and such other details as would secure the accommodation of the passengers, and faithfully guard the public interest.

In the transmission of burden cars, an arrangement might well be made with their owners, by which the State would receive instead of the present tolls, a portion of the freight charges. The consequences would be advantageous to both parties.

These changes in the present system, would it is believed, largely diminish the expenses of motive power; would authorize a reduction in the rate of toll's; produce an increase of business upon the road; furnish with profitable labor many citizens now refused employment, by reason of the monopoly held by the State over the motive power on the road; prevent the expenditure necessary for the purchase of new locomotives; save to the State immense sacrifices in the old engines; accommodate the traveling public by a lower rate of fare; and would advance the public interests by lessening the annual outlays, and increasing the income from the road more than two hundred thousand dollars.

Discriminations in the tolls on the public works, against portions of our citizens, by means of a system of drawbacks and maximum rates of tolls, are unjust and improper. Their labor and property, in common with others, were encumbered in the construction of the improvements; their industry and wealth have for years assisted, and continue to assist, to sustain them; and it is difficult to perceive upon what principle of public policy, a tariff of tolls is maintained discriminating against their interests. The demands of trade



cannot excuse a palpable wrong of this character, while a reduction of tolls on the whole line of improvements would produce an increase of business and secure the desired foreign trade.

The practice of contracting debts for repairs, and for the purchase of materials beyond appropriations for these purposes, should be prohibited by severe penalties. Nothing can be more destructive of all accountability, or offer stronger inducements to extravagance, than such a power over the public money. An officer guilty of an act of this kind, violates the trust committed to him, and should be forthwith dismissed from the public service. Debts already contracted in this way should be paid, for the labor in behalf of the State has been performed, and it would inflict an injury on those who could not have a knowledge of the wrong, to withhold from them the value of their services; but immediate measures should be adopted to prevent occurrences of a like nature in future. A practice of this kind, authorized in some measure by subsequent appropriations of the Legislature, for the payment of the debts thus contracted, cannot fail to mislead the people, and embarrass the public officers in their estimates and recommendations. The large appropriations for the payment of old debts, made at the last session of the Legislature, show the extent to which the practice has been carried, and should admonish us to guard against a recurrence of the evil. In providing by legal enactment against the mischief here stated, authority might be given to the Canal Commissioners, should it be deemed necessary to meet deficiencies in the funds provided for any line of improvements, to draw from a specific appropriation for that purpose, requiring from them a detailed and special report on the subject, to the auditing department, as well as to the succeeding Legislature.

The avoidance of the Schuylkill inclined plane, and

the improvements connecting with the Columbia and Philadelphia railroad, which are in rapid progress of construction, must materially increase the business on that public thoroughfare, and will render the relaying of a portion of the said road, a work of absolute necessity. In the performance of this work, should the Legislature authorize it, good policy would seem to require, so far as the means of the Treasury will permit, that one track at least should be laid with a heavy rail; and it is worthy of consideration whether the public interests would not be greatly subserved by a location of the new track, so as to avoid the many short curvatures on the eastern end of said road. They increase the danger to passengers and freight; forbid a dispatch safely performed on a straight line, and require greater force than would be necessary on a direct track with higher grades. In the event of the Legislature authorizing the relaying of the eastern section of the said road and the change of location before mentioned, a due regard to the public interests and the limited resources of the Treasury would seem to demand that the improvement should commence at an early day, and progress from year to year as the revenues would warrant, until it should be completed.

The portage railroad, from the completion of our line of improvements to the present time, has been a serious obstacle to the business of the community, and the occasion of trade seeking other channels to the Atlantic markets. Any mode, therefore, of lessening this evil, must meet the hearty concurrence of the citizens. The sum of five hundred thousand dollars judiciously expended, will avoid all the short levels and four of the five inclined planes on the western slopes of the Allegheny. The annual expenses of maintaining these planes is not less than ten thousand dollars for each plane, and if to that amount be added the cost of the short levels, and the perishable nature of the ma-

materials connected with these works, with the delays and risks incident thereto, the annual amount for their maintenance cannot be less than one hundred thousand dollars. Were these planes avoided, and those on the eastern slope of the mountain repaired, the commerce on the public works would be facilitated and increased, and the Pennsylvania Central railroad company would find it their interest for many years to use it in connection with their great improvement.

During the last season, the scarcity of water on the upper portion of the Western division of the Pennsylvania canal, materially injured the character of the public works and diminished the revenue from that source not less than fifty thousand dollars. To guard against a recurrence of this evil, it is recommended that the Western reservoir, in the construction of which the sum of sixty thousand dollars has been expended, be completed. The estimated amount required for its completion, is forty thousand dollars, and would, in the opinion of the Executive, be a judicious appropriation.

It has been suggested that an alteration in the canal locks, by making them conform to the shape of the bottom of the boats, would not only strengthen them, but would be a saving of water. This might be effected, if deemed of sufficient importance by the insertion of wooden bottoms, in such manner as to produce the results indicated.

By the reports of the Auditor General and State Treasurer, made under the directions of the act of the 10th of April, 1849, it appeared that after the payment of the interest on the public debt, and the liquidation and payment of other claims for which appropriations have been made by the Legislature and retaining a reasonable balance in the Treasury, the sum of one hundred and fifty thousand dollars, might, with safety, be applied to the completion of the North Branch canal. I accordingly gave immediate

notice of the fact to the Canal Commissioners, and portions of the work it is understood, have been placed under contract. Considered as a part of the public improvements, and re-commenced as a revenue measure, that work should be finished at the earliest day the condition of the Treasury will permit. It should not be forgotten, that the present unfinished condition of the work, by interrupting the free navigation of the river, by the destruction of roads, and injury to private property, without affording any convenience to the community, inflicts a wrong which demands immediate reparation. In addition to the sum already appropriated, it is confidently believed that three hundred thousand dollars can, with propriety, be given to that improvement in the present season; and in the following year, provision might be made for its completion.

While it has been deemed advisable to bring these subjects to the notice of the Legislature, considerations of sound policy, the interests of the citizens—already heavily burdened with taxation and the general welfare of the Commonwealth, forbid an increase of the public debt.

The equalization and revision of the revenue laws—the proposed change in the management of the public works, and their early improvement and completion—with a rigid maintenance of the sinking fund, and the consequent reduction of the public debt, would, with the present resources of the Treasury, produce in a few years a condition of financial prosperity, justifying the conviction of the speedy relief of our citizens from the payment of all taxes for the support of government, schools and charities.

The Eastern and Western penitentiaries have been conducted with skill and prudence, and in the reformation and security of offenders, society has derived important advantages. It is, however, worthy of serious consideration, whether in the adoption of a system of solitary confinement, the severity of the punishment



authorized by law, does not injuriously affect the mental and physical vigor of the prisoner. The frequent recommendations to the Executive for the pardon of convicts afflicted with ill-health and mental imbecility, would appear to require a modification of the penal laws.

It is earnestly recommended that a small increase of the annual appropriations be made to the House of Refuge, and the asylums of the deaf, dumb and blind. These institutions, long the deserved objects of State bounty, have been increasing in usefulness, and incurring additional yearly expenses, while the annual sums bestowed have remained the same. In the growth of population the demands on these asylums must be augmented, and their expenditures necessarily enlarged, and the same degree of liberality awarded on former occasions, would claim the appropriation of larger amounts.

In the prosecution of the work for the State Lunatic asylum, the appropriation of a former year has been exhausted, and a sum of like amount is required for its completion. Under the supervision of excellent and attentive trustees, the building has rapidly advanced, and is now under roof. The structure is plain, substantial and beautiful; eligibly situated in regard to the comforts of the patients, and susceptible of a finish, honorable to the State, and useful to the community. The probability of its abandonment by the Legislature, or of a refusal to grant the additional sum required for its completion, cannot be entertained by the Executive. Too long already has public charity been withheld from the insane poor of the State;—too long have they been suffered to wander destitute and deserted; the jest of the thoughtless, and the victims of the profligate; while humanity and christian benevolence claimed for them public protection. It is not, however, protection alone that is contemplated in this

asylum. The reports from different similar institutions afford the gratifying intelligence that eighty, and in some instances, ninety per cent. of the number afflicted, are radically cured. In this view of the subject, combining shelter and protection, with restoration to health and reason, the inducements to energetic action on our part, cannot be overlooked. It is estimated that an additional sum of fifty thousand dollars will finish the building, and fit it for the reception of patients, and the same is respectfully and earnestly recommended.

Notwithstanding the revision, by the last Legislature, of the laws in relation to common schools, the system will require modification. It does not receive from the citizens the favor that a sound and enlightened scheme of education deserves, and the evil must exist in the laws which control its practical operations. A serious defect, is the want of properly qualified teachers. It is worthy your consideration whether the establishment of Normal schools in the different counties would not remove this evil. Education may well be termed the great measure of the age. In a republican government it is the safeguard of liberty, and enlightened statesmen regarding it in this aspect, will cordially co-operate to establish, to defend, to cherish, and to maintain it. The superintendent having bestowed much thought on the subject, will, at an early day, submit a report, to which your attention is invited.

The militia law of the last session is imperfect in many of its details, and requires revision. In the abolition of the mockery of parades incident to the old system, and the establishment of an effectual uniformed militia, well disciplined and drilled, it has been productive of general utility. Slight modifications of its provisions will make it all that can be desired. The report of the Adjutant General is well worthy your consideration, and is accordingly submitted.

Reports from the Surveyor General and Auditor General, exhibiting the condition of their respective departments, are herewith transmitted to the Legislature, and the latter will furnish in detail much valuable information, in relation to the financial condition of the Commonwealth.

The duty of districting the State for the election of representatives, will devolve upon you. Returns of taxables, required to be made by the different counties, have not been transmitted, as by law they were directed; but the officers charged with the duties under the law, are engaged in their preparation, and they will be laid, at an early day, before the Legislature.

By resolutions passed at the last session, the Executive was required to transmit to certain officers, citizens or natives of the State, resolutions expressive of the approbation of the Legislature, for their distinguished services in the late war with Mexico. In performing this duty, these resolutions were transmitted to such of these officers, as, by the report of the Adjutant General of the United States, had been breveted for good conduct.

The resolutions for the amendment of the Constitution, having been duly published according to the terms of that instrument, it will be the duty of the Legislature to take such action on the subject, as may be most consistent with the wishes of the people. It is proper to state, that the appropriation made to defray the expenses of the publication of these resolutions was wholly insufficient for the purpose, and an additional sum will be required.

In the message delivered at the opening of the late session, reference was made to the citizen soldier, who had returned to his home after having earned for himself and the State, in the war with Mexico, a reputation for undaunted bravery, patient suffering and heroic virtue; and the opinion was expressed, that it was due

to these patriotic citizens, that the Commonwealth should make a suitable acknowledgment for their illustrious services. No action having been taken upon the suggestion, I would again call the subject to the attention of the Legislature. It is also proper to refer to the recommendation therein made, in relation to the death of certain officers of the government, and the omission in the Constitution to supply the vacancy. The subject is deemed of sufficient importance to justify an earnest hope that legislative action may not be withheld thereon.

The practice of postponing the passage of appropriation bills to the last day of the session, forbids deliberation, as well to the Legislature as to the Executive, and should hereafter be avoided. These bills, requiring care and attention to the specific items, and disposing of large amounts of the public money, should be deliberately examined before they obtain the sanction of laws. Nothing can excuse hasty and unadvised legislation, on a subject so important to the public interests. It is confidently anticipated that this Legislature will adopt a rule of practice more consistent with prudence, economy, and sound policy.

The intimate connection existing between the industry of the citizen, and the currency of his country, demands for that question the serious attention of the statesman and lawgiver. In authorizing banking or other institutions, to create a currency other than gold and silver, it would be faithless to our trusts, to permit them, for want of proper checks and guards, to allow it to become less valuable than the coin it is intended to represent. The views expressed in the last message in favor of the restriction of the number of these institutions, to the real business wants of the people, and refusing a renewal of bank charters until a thorough examination of their affairs had demonstrated their entire solvency, remain unchanged. The tax on bank



ing capital, exacted by the last Legislature in the granting of charters, and applied to the payment of the public debt, has resulted in securing to that object a sum exceeding one hundred thousand dollars. While this tax should not be increased to an extent which would cripple the resources of these institutions, the present amount cannot be considered an unfair equivalent for the privileges conferred, and should therefore, continue to be imposed as a legitimate source of revenue.

The laws intended to prevent the circulation of notes of a less denomination than five dollars, are practically disregarded by the citizens. In a government founded on popular opinion, experience would teach the impolicy of continuing in force, statutory provisions which are generally inoperative. The violation, with impunity, of laws however unimportant, will lead to a disregard of others, indispensable to the security of society. It is indeed, to be regretted that this circulation has not been prevented, as much evil has been experienced by the community from the reception of this irresponsible paper. The amount in circulation within the State, supplied by institutions of adjoining States, is estimated at not less than five millions of dollars, and is valueless, except in localities near the banks by which it is issued. To the extent of this circulation, the constitutional currency, and the notes of sound specie paying banks of the Commonwealth are displaced. The solvency of the institutions issuing this paper, cannot be known to the citizens, and it passes from hand to hand the representative of a value it may not possess, over which our laws can have no control.

In endeavoring to eradicate an acknowledged evil, the practical statesman will frequently find a necessity for yielding to popular inclination, and will consult the welfare of his constituents by striving to mitigate what cannot be removed. If, as it is alleged, the

business operations of the community require a circulating medium, other than gold and silver, of a less denomination than five dollars, a supply under the regulations and restrictions of our laws, would not be open to the objections of the existing method. Were the banks of the Commonwealth authorized to establish agencies or branches in one or more places and permission given such branches to issue said notes upon a statement in detail by the parent institution being made to the Auditor General, satisfactory to the said officer, of the entire solvency of the said bank, exhibiting its whole assets and liabilities, designating the proportion of its capital stock to be employed at the said agency or branch, which in no case should exceed a graduated percentage of the said capital stock, and should deposit with the Auditor General an amount of State stocks equal to the amount of notes to be issued; the Auditor General thereupon required to grant a license to said bank to establish said agency or branch, and to issue said notes, marked by the said officer as the issue of the said branch and redeemable at the counter of the parent institution, a sound convertible currency would soon displace the present irresponsible paper of foreign institutions, and would afford security to the citizen, without a withdrawal of the necessary circulation. Notes issued under the foregoing restrictions, having their redemption secured in the manner herein pointed out, would necessarily receive the confidence of the people, from the fact that the stocks pledged, would, under every condition of things, ensure their eventual payment. In times of commercial convulsions the specie might be drawn from the vaults of the bank—the means of stockholders might fail—speculative value might be affixed to property, and shrewd men, watching the signs of the times, could release themselves from individual liability; but the stocks of the Commonwealth would remain valuable and available

for their certain redemption. Had the notes now in circulation from the banks of the State, a basis of this character, even to a small proportion of the capital stock of these institutions, the losses resulting from a failure to pay their liabilities would be largely diminished. These views are presented to the Legislature for the purpose of urging upon it the necessity of devising means to protect our citizens from the losses incurred in the failure of banking institutions. In any well digested system it will afford me pleasure to co-operate, particularly in reference to the security of that portion of the currency entering so largely into the business of the producing and laboring classes of the community.

The general manufacturing law of the last session cannot fail to be productive of decided benefit to the State and the people. Although the time which has elapsed since its passage has been insufficient to test its advantages, the erection of large establishments in many places, which must soon afford employment to a considerable number of the citizens, warrants the belief that its salutary effects will be felt at no distant day.

Representatives have been made to this Department alleging, that by the erection of a bridge over the Ohio river, at or near Wheeling, Va., great obstruction to the navigation of that highway has been produced. In times of high water in the river, the largest class of steamboats are unable to pass under the bridge, and serious injury to the commerce of the western part of the State must result from this nuisance. Connected as is the Ohio with the line of internal improvements through Pennsylvania, and furnishing to our canals and railroads a large amount of merchandize for the Atlantic market, an obstruction of this nature will have a direct tendency to diminish the trade on our public works; to affect the eastern market, and ma-

terially to decrease the revenue of the State. Results of a character so important, should warn the Legislature that speedy and energetic action is required, and that measures dictated by justice and policy should be resorted to with a view to the removal of the evil.

The expression of our opinions on questions more directly belonging to the national government, is a right arising from the nature of our institutions, and where they are intimately connected with the interests of the people, becomes a duty not to be disregarded. The representatives in Congress of the State and the citizens, aware of the tendency of measures on the prosperity of their constituents, and knowing the responsibility of their exalted position, must regard with becoming favor, a deliberate declaration of public sentiment from the State they represent. Entertaining these views, and persuaded that questions of vital importance to the well-being of our beloved Commonwealth will claim the attention of Congress, I have deemed it right, on this occasion, briefly to refer to a few of those which may be considered of greatest consequence to the welfare of the people.

The adjustment of the revenue laws for the protection of the peculiar interests of Pennsylvania, must be regarded as a measure deeply affecting all classes of society. In relation to the policy of the national government on this subject, the manufacturer, the artisan, the agriculturalist and the laborer, feel alike, that their business and pursuits, are elevated or depressed, as protection is afforded or withheld. In the history of the past, they are furnished with lessons for the future. The events of the past season have afforded conclusive evidence, in the closed doors and deserted buildings of the manufactories; in the distresses of the laborer, and the general depression of profitable industry, of the imperative necessity for a system of laws which will sustain against foreign competition, the



employments of our citizens. When profitable investments, and useful capital are stricken down; when surplus produce finds diminished prices; and when labor is depressed, and industrious operatives are thrown out of employ, neither party dogmas, nor local interests, nor sectional jealousies, should prevent a united and energetic effort in our national representatives to restore the general prosperity.

On the application for the admission of new States into the Union, the subject of the extension of slavery will claim the attention of Congress. Our southern brethren, united by long association and habit with this institution, and depending upon it in a large degree for their domestic comfort and commercial advantage, will not willingly allow of its exclusion from territories belonging to the general government. No disturbance is contemplated of their relations therewith, in States where it now exists. Holding their slaves by compromise and concession, it would involve, on our part, a breach of faith, and an interference with the sovereignty of sister republics, to intermeddle with their social policy, or to controvert the legality of their domestic relations. Whatever injury may be inflicted on northern interests from the jealousies incident to the existence of the institution, and the effort to prostrate free labor, a sacred regard for our pledged faith admonishes us to suffer, rather than attempt reformation where our authority will not be acknowledged. The extension of the evil beyond its present limits, discloses a very different feature. The consent of the free States of the Union to its further progress, would evince an ignorance of their true interests, of the rights of justice and humanity, and an indifference to the character and dignity of their common country. Where these are implicated, it is an abandonment of duty to compromise. So fully were the views of the Executive expressed on the subject of

the tariff and the extension of slavery in a former message, that a reference to them here, as embracing his present sentiments thereon, would appear to be sufficient.

The dissemination among the people of information affecting their peace and prosperity, should be regarded as a measure of sound wisdom, and should be shackled by no unnecessary exactions. To give to the citizens of one section of a common country, a correct knowledge of the wants, the opinions, and general condition of the people of other portions thereof, should be the aim of all wise legislation on the subject. Nothing would tend more strongly to dissipate sectional jealousies and dislikes, and to unite in sentiments of neighborly kindness, every part of this great confederacy. Intercourses, whether produced by the agency of railroads or of telegraph, by personal or written communications, is an agent to heal dissensions, and to foster social charities, more potent than national laws. To tax beyond the necessities of government, the intercourse of our citizens, creates a barrier to the dissemination of knowledge, and assists in estranging the affections of the different portions of the republic. In this view of the subject, the rates of postage charged by the national government becomes a question of deep importance, and sound wisdom would dictate a reduction of present charges.

It cannot fail to be perceived that the observations in relation to postage, as connected with national intercourse, applies with equal force to improvements in the mode of travel between remote sections of the country. Whatever facilitates free communication among the citizens, strengthens the unity of government. Whether from the character of the country and the nature of its surface, it is practicable to construct a great national thoroughfare from the Mississippi to the Pacific ocean, has not been fully ascertained; but

it must be evident, that such an improvement would be of inestimable value to every portion of the Union. In addition to the opportunities it would afford of an interchange of hospitalities between the people of remote sections, it would not fail to be loaded with a trade, as profitable to the country, as it would be important to different localities. To Pennsylvania, its benefits can scarcely be imagined. The improvements already made and those in progress in this State, connecting with the public works of other States, will soon form one unbroken chain of communication from the Atlantic to the Mississippi. Were this gigantic work completed, no man can estimate the solid and social advantages which must ensue to every section of country united therewith; and in no place would its salutary results be more effectual, than within our own borders. The subject is eminently worthy the serious attention of the Legislature.

In a faithful adherence to the national constitution, as the same has been expounded by the sages and patriots of other days, the people of Pennsylvania rely for the perpetuation of their political, social and religious liberty. Although in its provisions may be found the acknowledgment of principles they do not approve it, it is esteemed by them as the fundamental law of the country, and they reverence it as the consummation of wisdom and patriotism, devoted to the general welfare. When sectional interests and jealousies contend for supremacy, and sectional rights are to be determined; when questions between States are controverted, and disregard of national laws is manifested, in peace and war, in prosperity and adversity; in foreign or domestic difficulties; the citizens of Pennsylvania turn with abiding confidence to the national constitution. Neither the thirst for power; nor the phrenzy of party: nor the prostration of their peculiar interests; can shake their allegiance to the national

government, or raise with them the traitor cry of disunion. The sentiments expressed, and the language used on the subject, by the Father of his country, are so appropriate to the period in which we live, that I have deemed it proper to call your attention to the following brief extract from his farewell address:

“The unity of government which constitutes you one people, is also dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that, from different causes and from different quarters, much pains will be taken, many artifices employed to weaken, in your minds, the convictions of this truth; as this is the point of your political fortress, against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it, accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

Gentlemen: In the performance of a constitutional obligation, the measures deemed necessary for your consideration, have been stated as concisely as their importance and nature would permit.

To the representatives of the people attaches the duty of enacting such laws as the welfare of our constituents



may require, and to their care and deliberate action are cheerfully confided the safety, honor, and prosperity of the Commonwealth.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, January 1, 1850.

Proclamation of Reward for the Apprehension of the Murderers of Thomas M. Homiller, late of Montgomery County.

Pennsylvania, ss:



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

#### A PROCLAMATION.

Whereas I have received authentic information that a certain Thomas M. Homiller, late of the county of Montgomery, in this Commonwealth, was robbed and murdered on the night of the first of December, A. D. 1849, on the Cheltenham and Willow Grove turnpike road, between the Rising Sun Village and the toll gate at Mooretown, on his way home from the Philadelphia



#### DOCUMENTS RELATING TO THE PROCLAMATION.

At a meeting of the citizens of Moreland Abington and the adjoining Townships held at the house of Daniel Shelmire in Abington Township Montgomery County Penn'a Decem'r 13th 49 Jacob Shelmire was called to the chair and Moore Stevens and John Smith Esq were appointed secretaries. The object of the meeting being stated by the chairman it was on motion Resolved That a committee be appointed to draft resolutions expressive of the sense of the meeting When the following named

Market" by some person or persons, whose names are unknown, and for whose discovery and arrest, all efforts hitherto have proved ineffectual: And whereas the reputation of the government, the peace and security of its citizens and the obligations of justice and

persons were appointed viz John Smith Esq. John Shaw Wm P Heston Moore Stevens Henry Berrill Israel Halloweil jr Abner Bradfield Thomas Barnsly Richard E Yerkes Charles Ayres John H Shelmire and Wm H Hart who after retireing a short time reported the following preamble and resolutions which were unanimously adopted

Whereas our esteemed neighbour and fellow citizen Thomas M Homiller was brutally murdered and robbed on the night of the 1st of December 1849 on the Cheltenham and Willow Grove Turnpike road between the Rising Sun Village and the Toll gate at Mooretown on his way home from the Phil'a market.

And Whereas we think it a duty incumbent on us as good citizens to endeavour by all possible means to ferret out and bring to justice the Murderer or Murderer's and Robber's Therefore be it resolved

That we increase the reward already offered for the discovery and conviction of the villian or villians who perpetrated the outrageous and diabolical Murder and Robbery to the Sum of Five Hundred Dollars Resolved

That John H. Shelmire Major Henry Berrill and John Smith be a committee to communicate the sad intelligence of the foul Murder being committed to his Excellency William F. Johnson Governor of the Commonwealth of Pennsylvania and request him to offer a reward for the discovery and conviction of the perpetrator's Resolved

That Jacob Shelmire Wm Cottman and Moore Stevens (Abington Post office Pa) be a committee of correspondence to communicate and receive information to and from a distance and we earnestly hope Police Officers and other's cognizant of any facts calculated to throw any light on the subject of the murder may not be slow to communicate them to the committee Resolved

That we deeply Sympathize with the almost distracted widow and relatives of the deceased on account of their sudden and unexpected bereavement Resolved

That publishers of newspapers be requested to farther the cause of Justice by giving the foregoing resolutions one or more insertions in their respective papers

Attest

Signed

JACOB SHELMIER Chairman

MOORE STEVENS )  
JOHN SMITH ESQ ) Sec'ys

Mooretown December 14th 1849

To his Excellency Wm F Johnson  
Governor of the Com'th of Penn'a

Dear Sir. The undersigned committee in compliance with their duty under the above resolutions take this method of informing your honor of the foul Murder and Robbery of our esteemed neighbour Thomas M Homiller on the night of the 1st Dec 1849 on his return home from the Phil'a Market And respectfully ask your honor to increase the reward

humanity require that the perpetrator or perpetrators of said offence should be brought to speedy and con-dign punishment. I have therefore thought proper to issue this Proclamation, hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure the said offenders against the public peace in the jail of any county within this Commonwealth; and the sum of three hundred dollars if the said offender or offenders shall be appre-

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already offered for the discovery and conviction of the perpetrators of this outrageous Murder as you may in your wisdom determine believing your excellency will agree with the committee that the larger the reward the more likely the villian or villians will be brought to justice At present there appears to be no circumstance that gives the least clue to the perpetrators of this horrible crime.

There is considerable excitement in the neighborhood respecting the Murder and we believe your early attention to the matter would meet the approbation of the public as well as of your

Humble Servants  
HENRY BERRELL  
JOHN H SHELMIRE  
JOHN SMITH  
Committee

Lancaster, December 29th, 1849.

Dear Sir:

To your Exclency the Govner of the Comon Welth of Pennsylvania. The deseast is Thomas Hommiller. Beaing the Deceast is A Relative of Mine And there Has Bin Nothing Done to Bring the Perpetrators to Light, I ther fore Apeal to you For to Deside. In Regard to the same same this scrap of advertiseMent will give you the Account of it as it is to you the Govner, W. F. Jonson, Esq.

Your oBedient Servant,

C. B. MOYER,  
Lancaster Sitey, PA.

PUBLIC LEDGER AND DAILY TRANSCRIPT.

Philadelphía, Monday, December 10, 1849.

Local Affairs.

Died from his Injuries.—Mr. Thomas Homiller, Montgomery county, the victim of a highway robbery, whose case we mentioned on Tuesday last, died on Saturday morning from his injuries, at the house of Mr. Shellmire, in Moreland township, to which he was taken after he had been discovered lying senseless in his wagon near by. His skull was fractured in two places, most probably by having been beaten on the head with some heavy stones which were covered with blood and lying beside him. He continued in a state of insensibility up to the time of his death; hence nothing could be ascertained of the particulars of the attack. His account book which was found with him, showed that the load of produce which he had brought to our market had yielded him \$53, but \$13, of which remained upon his person, and that in a secret pocket of his vest. The deceased bore an exemplary character, and his loss will be most deeply felt by his relatives and numerous friends.

hended and secured without the limits of this State, which sum or sums are to be paid on the conviction of the perpetrator or perpetrators of the crimes aforesaid, and all judges, justice, sheriffs, coroners, constables, and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator or perpetrators of the crimes aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this third day of January in the year of our Lord one thousand eight hundred and fifty, and by the Commonwealth the Seventy-fourth.

By the Governor,

Townsend Haines,

Sec'y of the Com'th.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,

Harrisburg, January 3, 1850.

Senators:—

**D**URING THE RECESS OF THE SENATE I COM-  
missioned Joseph Buffington, to be president  
judge of the eighteenth judicial district, composed  
of the counties of Venango, Clarion, Jefferson, Elk and  
Forest, in the room of Alexander M'Calmont, whose  
term of office has expired.

Robert Woodward, to be an associate judge of the  
court of common pleas of Armstrong county, in the  
room of Hugh Bigham, resigned.

William Leech, to be an associate judge of the court  
of common pleas of Mercer county, in the room of  
Thomas Wilson, whose office was vacated by the act  
of the General Assembly erecting the new county of  
Lawrence.



Jacob Bear, to be an associate judge of the court of common pleas of Lawrence county.

Jere Adams, to be an associate judge of the court of common pleas of Bradford county, in the room of Reuben Wilber, resigned.

Edmund Taylor, to be an associate judge of the court of common pleas of Luzerne county, in the room of Henry Pettibone, resigned.

I now nominate the said Joseph Buffington, Robert Woodward, William Leech, Jacob Bear, Jere Adams and Edmund Taylor, respectively, for the advice and consent of the Senate, to the offices named.

WM. F. JOHNSTON.

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To the Assembly Giving Notice of the Enactment of Certain Divorce Bills Through the Expiration of the Time of Their Return by the Governor, with Comments Thereon.

Gentlemen—The bill entitled:

“An Act to annul the marriage contract between Henry Gamber and Susanna, his wife,” which was presented to me on the thirty-first day of March last;

The bill, entitled “An Act to annul the marriage contract between Frederick W. Martens and Mary C. W., his wife,” which was presented to me on the second day of April last;

The bills, severally entitled ‘An Act to annul the marriage contract between Hugh J. Brady and Nancy, his wife;’

“An Act to annul the marriage contract between John McNeil and Hester Ann, his wife;”

“An Act to annul the marriage contract between James Madison Jackson and Jane Ann, his wife;” and

“An Act to annul the marriage contract between Robert B. Bailey and Sophia, his wife,” which were presented to me on the third day of April last;

The bill, entitled “An Act to annul the marriage contract between Andrew Nicholson and Celia Ann Nicholson, his wife,” which was presented to me on the sixth day of April last;

The bill, entitled “An Act to annul the marriage contract

between Henry W. Sindorf and Phoebe, his wife, which was presented to me on the seventh day of April last;

The bills, severally entitled "An Act to annul the marriage contract of Fithian J. Clark and Theresa Clark, and for the erection of a bridge over the Kiskiminetas river;"

"An Act to annul the marriage contract between C. J. Sykes and Martha R., his wife;"

"An Act to annul the marriage contract between Henry Foot and Eleanor T. Foot, his wife;"

"An Act to annul the marriage contract between William A. Cannon and Caroline Cannon, his wife;" and

"An act to annul the marriage contract between Henry Kempf and Eveleen, his wife," which were presented to me on the tenth day of April last.

The said several bills, not having been sent back within three days after your present meeting, have become laws, and I have therefore directed them to be returned to the respective Houses in which they originated.

In returning without my signature, the foregoing acts, passed during the last session of the Legislature, I deem it proper to observe, that a careful examination of the documents with which they were severally accompanied, has satisfied me no constitutional objection can be made to their becoming laws. The facts, as detailed in the papers on which the applications are founded, furnish no ground giving jurisdiction to the courts of the Commonwealth; nor have I observed on the face of the bills themselves, any provision of a character so extraordinary as would seem to require Executive interposition. They are therefore returned, after having been retained beyond the period pointed out by the Constitution, in which objections can be legally made to their passage.

Notwithstanding this course has been adopted in relation to these bills, I would respectfully call the attention of the Legislature to the subject of divorces, and urge the necessity of a more strict examination than has heretofore been made of the claims of the parties interested.

The legislative sanction, to applications of the nature here referred to, has become an occurrence so readily attainable, that individuals are induced to bring their petty strifes and domestic difficulties before the public, to the embarrassment of the public interests, the delay of public business, and a considerable increase of public expenditures. The people will learn with surprise, if not with regret, that twenty-three bills annulling marriage contracts, passed during the last session, and were presented to me for approval. A practice of this character must have a pernicious tendency on the peace and comfort of the community. Obligations so readily set aside, will be entered into without care, while family disputes on trifling occasions, will be nursed into difficulties more serious; and the bad passions, wanting the restraint of the marriage contract, will forget its obligations and pervert its salutary influences. Domestic troubles, which might be healed under the conviction that a life of discord cannot be productive of happiness or prosperity, are aggravated at the certainty of escape from these evils.

Nor are these enactments without their effect on the morals of the people. The annulling of social contracts, on testimony, sometimes made for the occasion, and frequently produced by one party only, can have no salutary influence on society. A community may become familiarized with wrongs from which, at first, it recoiled with astonishment. In the case before us, a stronger sanction than what pertains to a civil contract, has to be set aside. The relations of husband and wife are of a nature infinitely higher than those which exist in commercial transactions, and cannot be dissolved without involving the permanent interest and happiness of all who may be connected with the parties. The moral effect on society must be proportionate to the solemnity of the covenant which has been broken.

Impressed with these convictions, I would respectfully submit to the Legislature the propriety of a more rigid examination of these applications.

WM. F. JOHNSTON.

Executive Chamber, January 5, 1850.

To the Senate Nominating Jacob Hammer to be an Associate Judge of the Court of Common Pleas for Schuylkill County.

Executive Chamber,  
Harrisburg, January 5, 1850.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Jacob Hammer, to be associate judge of the court of common pleas of Schuylkill county, in the room of Charles Frailey, resigned.

WM. F. JOHNSTON.

To the Assembly Transmitting Lists of Taxable Inhabitants and Slaves.

Gentlemen:—

**A** GREEABLY TO THE PROVISIONS OF AN ACT, entitled "An Act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth," and the several supplements thereto, I have directed the Secretary of the Commonwealth to lay before you a list of the taxable inhabitants, slaves, deaf and dumb, and blind persons, within this Commonwealth, so far as the same can be ascertained from the returns made to me, by the commissioners of the several counties.

I have also directed the respective original lists of taxables, &c., as received from the county commission-



ers in the office of the Secretary of the Commonwealth, to be deposited with the Clerk of the House of Representatives.

With a view to lay before the Legislature this information at the earliest period, notice was sent, by the Secretary of the Commonwealth, by mail, to the commissioners of each county of the State, on the 24th day of September last, calling their attention to the act of 6th January, 1821, and the several supplements thereto; and on the 6th day of December following, a similar notice was transmitted by the Secretary of the Commonwealth, to the commissioners of those counties from which no returns had been received.

I regret to say that from several counties no returns whatever have been received, as will appear from the tabular statement herewith furnished. The returns from these counties will be submitted immediately on their receipt in the office of the Secretary of the Commonwealth.

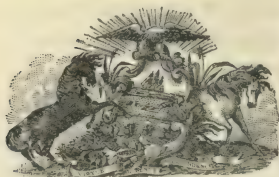
WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, January 10, 1850.

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Proclamation of Reward for the Apprehension of the  
Murderers of Nicholas Hornkeith, of Philadelphia  
county.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. By WILLIAM F. JOHN-  
STON, Governor of the said  
Commonwealth.

[Signed] Wm. F. Johnston.

## A PROCLAMATION.



Whereas, I have received authentic information that a certain Nicholas Hornkeith, late of the county of Philadelphia, in this Commonwealth, was murdered on the morning of the first day of January, A. D. 1850, in the District of Moyamensing in said county of Philadelphia, by some person or persons whose names are unknown, for whose discovery and arrest, all efforts have hitherto proved ineffectual;

And whereas the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator or perpetrators of said offence should be brought to speedy and condign punishment. I have therefore thought proper to issue this Proclamation hereby offering a reward of Two hundred dollars to any person or persons who shall apprehend and secure the said offender or offenders against the public peace, in the jail of any county within this Commonwealth; and the

## DOCUMENTS RELATING TO THE PROCLAMATION.

Philada., Jan. 12th, 1850.

Dear Sir: I wrote to the Hon. Wm. A. Crabb a few days ago requesting him to call upon you and get you to offer a suitable reward for the arrest and conviction of the Murderer or Murderers of the late Nicholas Hornkeith, and I rec'd his answer this day stating that he had an interview with you upon the subject and that you was willing to offer a reward but must first be furnished with a certificate of the verdict of the Coroner's Jury, also with the affidavit of some respectable Citizens that the Murderer or Murderers are yet at large, both of which Certificates you will please find Enclosed. I thought it best to get the affidavit of Mr. Owensine, he having been the Employer for the past two years of the said N. Hornkeith, by using this power with which you are invested to ferret out the actors in this Tragedy you will not only confer a great favor on the Public at large but must oblige

Your Obedient Servant,

JOHN HARGREAVES.

To His Excellency, Gov. Johnson, Harrisburg, Pa.

P. S.—Any Communication addressed to me, care of A. Hart, S. E. corner 4th & Chestnut st., will come safe to hand.

County of Philada:

January 12, 1850, Personally appeared Before me an Alderman in and for Said County Englebert Owensine one of the Late firm of Snyder & Owensine one of the employers of the Late Nicholas Hornkeith who was

sum of three hundred dollars if the said offender or offenders shall be apprehended and secured without the limits of this State, which sum or sums are to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid, and all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to

Murdered, who being duly Sworn doth depose and say that there has not been any person Arrested for said Murder to the Best of his Knowledge and Belief.

ENGT. OVENSCHINE.

Sworn and Subscribed the day & Year Aforesaid.

MARTIN LUTZ,  
Ald.

The Commonwealth of Pennsylvania:  
City and County of Philadelphia, ss.

AN INQUISITION taken at the Hotel of Mrs. Ann Decker at the Corner of Prime Street and Grays ferrys roads in the District of Moyamensing, in the County of Philadelphia, the First day of January, in the year of our Lord one thousand eight hundred and Fifty before JACOB S. HAAS, CORONER of the City and County of Philadelphia, upon view of the body of Nicholas Hornkeith, A White Man age 32 years then and there lying dead: and upon the oaths and affirmations respectively of  
Samuel Fox, Stewart Hawkins,  
Peter Kiker, John Cox,  
John Kane, Andrew Roate,

six good and lawful men aforesaid: charged to inquire (on the part of the Commonwealth of Pennsylvania) when, how and by what means the said Nicholas Hornkeith came to his death; DO, upon their solemn Oaths and Affirmations respectively say, that it appears from the evidence before US, that the said Nicholas Hornkeith came to his Death, from A Pistole or Gun Shot Wound, in the Hands of Some person or persons unknown to this Jury, on the morning, of the first Day of January, 1850.

IN WITNESS WHEREOF, as well the said Coroner, as the said Jurors, have to this Inquisition set their hands and seals, this day and year, and place first mentioned, and the undersigned Jurors and Witnesses respectively acknowledge the receipt of twenty-five cents from the Coroner.

SAMUEL M. FOX, (Seal.)  
PETER KIKER, (Seal.)  
JOHN KANE, (Seal.)  
ANDREW ROATE, (Seal.)  
JOHN COX, (Seal.)  
STEWERT HAWKINS, (Seal.)  
JACOB S. HAAS.

Witnesses.

his  
James X B. Christie.  
mark.  
his  
Henry X Hornkeith.  
mark.

James Agnew McCullah, M. D.  
his  
Mavy X Simmons.  
mark.  
Joseph Wart, Duffy, M. D.

I Certify this is a true Copy,

JACOB S. HAAS,  
Coroner.

Philada. County, January 13th, 1850.

justice the alleged perpetrator or perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, the fourteenth day of January, in the year of our Lord one thousand eight hundred and fifty, and of the Comm'th the Seventy-fourth.

By the Governor,

Townsend Haines,

Sec'y of the Com'th.

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To the Assembly Concerning Certain Murder Cases and Recommending the Action of the Legislature on the Same.

Gentlemen:—

**T**HE FOLLOWING CASES WOULD SEEM TO REQUIRE the action of the Legislature:

On the 27th day of November, A. D. 1846, Bridget Harman, having previously been found guilty of murder of the first degree, was sentenced by the court of oyer and terminer and general jail delivery in and for the city and county of Philadelphia, to be hanged by the neck until she was dead.

On the 23d day of August, A. D. 1847, James Hamilton, otherwise called James Thacker, having previously been found guilty of murder of the first degree, was sentenced by the court of oyer and terminer and general jail delivery in and for the county of Lancaster, to be hanged by the neck until he was dead.

On the 19th day of February, A. D. 1849, Andrew Callingham, having previously been found guilty of murder of the first degree, was sentenced by the court of oyer and terminer and general jail delivery in and for the county of Pike, to be hanged by the neck until he was dead.

The prisoners thus severally sentenced to death, are still in confinement in the prisons of their respective



counties, and no death warrant in either case has been issued by the Executive.

The facts as collected from the evidence, would seem to render it extremely doubtful whether the penalty of the law attached to the crimes of which they have been severally found guilty, should be inflicted upon them, and their executions have been delayed in order to throw before the Legislature, for its consideration, a synopsis of the evidence on which they were convicted.

The case of Bridget Harman is peculiar. No doubt exists in the mind of the Executive that she killed her child. She had been married some years previous to the commission of the offence, was deserted, as is understood, by her husband, who left her with two children; a boy aged three years, and a girl aged nine months; poor and destitute.

On the 11th day of August, 1846, about half-past six in the morning, she went out with her daughter in the direction of a secluded wood, surrounded by hills, about half a mile north-east from Manayunk, returned without her child, and again went in the same direction with a shovel in her hand.

During the morning her contradictory tales as to her child induced suspicion that she had killed it, and she was arrested for the murder. In the evening of the same day she was taken to the wood before mentioned, and immediately pointed out the spot in a stream of water where she had drowned the child, and also the place where it was buried.

On the foregoing facts she was convicted and sentenced as before stated.

The prisoner is a woman of a weak intellect, scarcely reaching above imbecility. It is very doubtful whether she was conscious of the magnitude of the offence committed, or even aware that it involved the guilt of moral depravity. Her accountability is seriously doubted. Under these circumstances the infliction of

the extreme penalty of the law upon her, would be unwise, impolitic, and inhuman, and should be avoided; and yet, for these reasons it would seem unsafe to give her liberty which might again be abused.

James Hamilton, otherwise called James Thacker, was convicted of the murder of Jacob Hunter, upon evidence of which the following is an abstract:

On the morning of the 27th of December, 1846, between the hours of ten and twelve, the prisoner and the deceased were at a public house, not far from the scene of the alleged murder. They were intoxicated when they came to the tavern; drank several times while there, and left in company, deceased on horseback and prisoner on foot. In about an hour thereafter, the prisoner returned to the public house alone, and stated that deceased had sent him after a handkerchief, and had given him money to obtain liquor, which he got and drank. When arrested for the murder, he told the constable that Hunter had fallen from his horse, and he then struck him twice, and took his money and watch.

On the 28th of December, early in the morning, the deceased came to his father's house, with blood upon his head and face, from wounds, and continued there until he died, which happened about the 13th of January, two weeks after he had received his injuries. For several days he was rational, and about the end of the first week after his hurts he became insensible and remained in that condition until his death. No medical attendance was given, no examination of his wounds took place until the expiration of thirty-nine days after his interment. The examination at the coroner's inquest, by a skillful surgeon, described his wounds as four in number; one on the left side of his face, two behind the left ear, and one at the external angle of the left eye. The three first mentioned were probed, and extended to the bone; the last was a con-

tusion. An inspection of the brain showed a slight effusion of bloody fluid, in a position corresponding with the external injuries. The surgeon gave as his opinion, "that the wounds which were inflicted with the blows, were certainly the cause of death."

The surgeon also stated, "that the wounds were not necessarily mortal; that there was no fracture of the skull; that had the subject been temperate in life, and had he received proper medical treatment, the great probability is, he would have recovered; that the strong probability is, if he had had proper medical treatment, Hunter's life might have been saved."

The questions presented to the mind, on an examination of the foregoing facts, are,

1st. Did Jacob Hunter die of wounds inflicted by James Hamilton, otherwise called James Thacker? and if so—

2d. Was the crime of the grade of murder in the first degree?

To the mind of the Executive, there is not such clear, conclusive and abiding testimony as to leave no rational doubt on these points of the case.

The circumstances attending the murder of George Kay, by Andrew Callingham, so far as the same can be collected from the evidence, would seem to be as follows:

A party of Irishmen, who were working on a railroad in the neighborhood, came to a tavern where were boarding a company of carpenters, and in a few minutes a fight commenced between the two parties, in which the larger number of those present became engaged. The whole in the room amounted to twenty-five. Several blows were given and returned, and a general rush and confusion ensued, during which the deceased was stabbed to the heart and expired in about fifteen minutes. Who commenced the affray is not entirely clear. The Irish were driven out of the house

and fled; three of them were pursued, caught and brought back to the house. Of these the prisoner was one. No weapon was found on either of them, but there was some testimony going to show that the prisoner was seen in the fight with a knife, and that he struck the blow which deprived Kay of his life.

On these facts, the questions necessarily arise:

1st. As to the person who inflicted the wound? and

2nd. As to the degree of crime committed?

There is ground for doubt in both aspects, and the case is well calculated to excite apprehensions that the punishment of death has not been deserved.

Feeling the importance of the questions involved in the three foregoing cases; solicitous for the public security and dreading the result which pardons might produce on the community, by the liberation of convicts who have been found guilty of the highest crime known to the law, I have deemed it proper to refer to the Legislature a brief abstract of the testimony in the several cases mentioned, together with such documents in relation thereto, as have since reached the Executive department, under the hope that some mode may be devised by which the lives of these criminals may be saved, while at the same time, the security of society may not be hazarded by their liberation.

WM. F. JOHNSTON.

Executive Chamber,

Harrisburg, January 22, 1850.



To the Senate Nominating William B. McClure to be President Judge of the Fifth Judicial District.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE** and consent of the Senate, William B. M'Clure, to be president judge of the fifth judicial district, composed of the county of Allegheny, in room of Benjamin Patton, Jr., whose term of office has expired.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, January 23, 1850.

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To the Speaker of the Senate Giving Notice of the Appointment of Alexander L. Russell to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 25, 1850.

Sir:—

**I HAVE THIS DAY APPOINTED AND COMMIS-**sioned, under the great seal of State, Alexander L. Russell, of Bedford county, to be Secretary of the Commonwealth of Pennsylvania, agreeably to the provisions of the eighth section of the second article of the Constitution, in the room of Townsend Haines, Esq., resigned.

WM. F. JOHNSTON.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, February 11, 1850.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE** and consent of the Senate, George Tracy, to be an associate judge of the court of common pleas of Bradford county.

John Grafius and George Bresler, to be associate judges of the court of common pleas of Clinton county.

John Dick, to be an associate judge of the court of common pleas of Crawford county.

Sherman D. Phelps, to be an associate judge of the court of common pleas of Wyoming county.

WM. F. JOHNSTON.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, March 6, 1850.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, William Waugh, to be an associate judge of the court of common pleas of Mercer county, in room of William Leech, deceased.

Charles T. Whippo, to be an associate judge of the court of common pleas of Lawrence county.

James Harrison, to be an associate judge of the court of common pleas of Union county.

Levi G. Nichols, to be an associate judge of the court of common pleas of Tioga county

Benjamin F. Pomroy, to be an associate judge of the court of common pleas of Schuylkill county.

WM. F. JOHNSTON.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, March 11, 1850.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, John M'Candless and Samuel Marshall, to be associate judges of the court of common pleas of Butler county.

George H. Willets and John Covanhoven, to be associate judges of the court of common pleas of Columbia county.

Samuel Yohe, to be an associate judge of the court of common pleas of Northampton county.

John F. Dentler, to be an associate judge of the court of common pleas of Northumberland county.

William Vankirk, to be an associate judge of the court of common pleas of Washington county.

Jacob Kirk, Jr., to be an associate judge of the court of common pleas of York county.

Augustus O. Heister, to be an associate judge of the court of common pleas of Dauphin county.

Paul S. Preston, to be an associate judge of the court of common pleas of Wayne county.

WM. F. JOHNSTON.

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To the Assembly Concerning the Point of Intersection of the States of Pennsylvania, Delaware and Maryland, and Transmitting the Report of the Commission Thereupon.

Gentlemen:—

THE COMMISSIONER APPOINTED IN PURSUANCE of the fourteenth section of the act of the Legislature of this State, of tenth April, last, to act in conjunction with commissioners appointed or to be appointed by the States of Delaware and Maryland, with power to survey and determine the point of intersections of the States of Pennsylvania, Delaware and Maryland, and to fix some suitable mark or monument whereby the said point may hereafter be indicated, has submitted to me his report, together with the joint report of the commissioners to the several Executives of those States, of their proceedings under their respective commissions, the report of the engineer employed to conduct the survey, and a finished map constructed therefrom.

In transmitting these documents to the Legislature, I would particularly invite attention to important suggestions in the report of the commissioner of this State. That officer has, with much propriety, suggested the importance of procuring from the State of Maryland, where they are fortunately preserved, certified copies of the official documents relating to the original settlement of the boundaries between the provinces of Pennsylvania and Maryland, not now to be found among the archives of this State. He has also suggested the propriety of the passage of an act, authorizing the survey, defining and marking, with suitable monuments, of that part of the circular line at present forming the entire boundary between the two States of Pennsylvania and Delaware, and ratifying the existing titles to, and liens upon such lands heretofore supposed to be in the State of Delaware, which may be found by the running of said line, to be within the territory of this State; and providing a limitation within which such titles and liens may be transferred to the State of Pennsylvania.

These suggestions are deemed worthy of, and are, therefore, respectfully submitted to the attention and consideration of the Legislature.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, March 13, 1850.

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To the Assembly Vetoing "An Act to Incorporate the North Lebanon Railroad Company."

Executive Chamber,  
Harrisburg, March 26, 1850.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO INCORPORATE the North Lebanon railroad company," was presented for Executive approval on the 16th instant.



Whilst the several sections relating particularly to the incorporation of said company are free from objection, I am constrained by a sense of duty, to withhold my approval of the provisions of the fourth section of said bill.

The practice, already too prevalent, of embodying in laws of a strictly local character, general provisions operating on and affecting various interests in different parts of the State, and forming a "rule of action" for the whole people, is fraught with much inconvenience and danger to the rights and interests of the citizen. It can scarcely be expected that laws will be properly understood and obeyed, when their enactment is so mixed up with and obscured by provisions of a purely local character, that great astuteness is necessary to determine what the law-making power intended to enact as general law.

In the present bill, a provision is inserted giving extensive powers to railroad companies throughout the State, by means whereof the character of such improvements may be changed wholly or in part.

A railroad may be highly useful to a particular section of the country, through which it passes, and landholders may feel disposed to aid in its construction by subscription to its stock, and release of damage to the lands through which it runs. The improvement, if changed to a plank road, may not be so advantageous or desirable; and yet, under the provisions of this section, such change may be effected by the decree of a majority of the stockholders and directors of any railroad company in the Commonwealth, after they have secured the construction of such portion thereof as may be important to their own interests.

There is no provision in the bill authorizing such change, to protect the rights of those subscribers to the stock of a railroad company, who may differ from a majority of the stockholders or directors thereof.

The incorporating a law, so general in its character

and affecting so many and important interests, among the sections of a strictly local bill—the ambiguity of its phraseology—its dangerous operation on the constitutional rights of the people, by enabling every railroad company in the Commonwealth, to change its character by altering its direction and extending its points, may well be regarded as an act of hasty legislation, demanding the re-examination of the General Assembly.

It is with reluctance and regret that I am constrained to refuse the Executive sanction to any act of the Legislature; but, in the discharge of a constitutional duty, I cannot hesitate to interfere, in any instance wherein the rights, interests or general welfare of the community demand from me the exercise of the powers vested in the Executive by the Constitution.

Entertaining the views I have expressed, and believing the section of the bill to which I have referred, obnoxious to many objections, I feel constrained, by a sense of duty, to withhold my approval of the bill, and have directed it to be returned to the Senate in which it originated.

WM. F. JOHNSTON.

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To the Senate Nominating Jacob Weygandt to be an Associate Judge of the Court of Common Pleas for Northampton County.

Executive Chamber,  
Harrisburg, April 1, 1850.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Jacob Weygandt, to be an associate judge of the court of common pleas of Northampton county.

WM. F. JOHNSTON.

To the Assembly Vetoing "An Act to Fix the Number of Senators and Representatives and Form the State into Districts, in Pursuance of the Provisions of the Constitution."

Gentlemen:—

**T**HE NECESSITY FOR THE PRESENT MESSAGE is most sincerely regretted. The exercise of the negative power, vested in me by the Constitution, has been hitherto carefully avoided, under the impression, that its frequent and constant use was well calculated to impair the republican simplicity of a representative government.

To unite with cordiality in measures sanctioned by the Legislature, affecting the welfare of the people, would, at all times, afford me more pleasure than the adoption of a different policy.

When, however, it becomes necessary, in my judgment, to preserve the integrity of the Constitution, and to protect the rights of my fellow citizens, I should feel that the trust reposed in me by the sovereign people, was unfaithfully discharged, were I, under any circumstances, to shrink from just responsibility, or by any action of the Executive Department, permit the well established and revered principles of a representative republican government to be endangered, outraged or destroyed.

In a government founded upon the popular will, it is scarcely necessary to remark, that the very basis of its superstructure, is the right of the citizen to an equal voice and influence at the ballot box. The purity and equality of the elective franchise, and the equitable distribution of the favors and burthens of the State, constitute the life-giving principles—the spirit and strength of such government. The destruction of either may well be deemed an act of hostility to the best interests of society, and to the permanency of our institutions.

In all ages and governments, among civilized men, the infringement of the right of representation has caused the sturdiest and most justifiable opposition. Republican government ceases to exist, whenever these cherished rights are disregarded. In recognition of these admitted principles, the Constitution of this Commonwealth has pledged the constituted authorities to their defence and preservation.

Impressed with the correctness of these truths, I have felt it my duty to withhold my approval of bill, No. 330, of the General Assembly, entitled "An Act to fix the number of Senators and Representatives, and form the State into districts, in pursuance of the provisions of the Constitution."

It is due to the Legislature, and the people, that I should briefly state some of the reasons that have influenced me in this determination.

The bill is, in my judgment, unconstitutional, unjust, and defective in its details.

The Constitution requires, that in each "term of seven years an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law.—That the number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each—and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one Representative; but no county hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one Representative, agreeably to the ratio which shall then be established."

It further provides, that "the number of Senators shall, at the periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts formed as hereinafter di-



rected, according to the number of taxable inhabitants in each, and shall never be less than one-fourth, nor greater than one-third of the number of Representatives."

In its further provisions are found limitations of the power of the Legislature, in the formation of Senatorial districts. These provisions of the Constitution plainly indicate the manner in which the apportionment shall be made, and in direct terms declare, as the basis of representation, the taxable inhabitants of each county. They require the Legislature to fix the number of the members of the House of Representatives, and to determine the ratio or number of taxable inhabitants for each member, according to a septennial enumeration. Any departure from this standard or ratio must be a breach of the organic law, which guaranties to each county an equal representation according to the number of taxable inhabitants therein.

The ratio fixed in the bill is four thousand eight hundred and sixty-five taxable inhabitants for one member of the House of Representatives, and fourteen thousand seven hundred and forty-three taxable inhabitants for one Senator.

In the bill under consideration are found the following palpable objections, and violations of the ratio fixed upon by its own provisions.

1st. The county of Fayette contains seven thousand six hundred and eleven taxable inhabitants, and is allowed two members, being two thousand one hundred and nineteen taxables less than the number required by the ratio fixed by the Legislature. The county of Dauphin, with seven thousand six hundred and eighty-three taxable inhabitants, is allowed one member, with an unrepresented surplus of two thousand eight hundred and eighteen. Thus Dauphin county, with a larger population, more taxable inhabitants, and whose citizens bear a much larger proportion of the public burthens than the county of Fayette, has only one-half

the influence and weight in the House of Representatives.

2d. Allegheny county, the great commercial and manufacturing district of western Pennsylvania, with twenty-eight thousand five hundred and forty-seven taxable inhabitants, is allowed five members, being one member to every five thousand seven hundred and nine taxable inhabitants, while the adjoining county of Westmoreland, with less variety of interests to protect, is allowed three members, on a tax list of eleven thousand six hundred and eighteen, being one member to every three thousand eight hundred and seventy-two taxables. In other words, to five thousand seven hundred and nine taxables in Allegheny county, is given the right to elect a member of the House of Representatives, while in Westmoreland county, three thousand eight hundred and seventy-two taxables have the same political influence. The unrepresented excess in Allegheny county, by the provisions of this bill, is four thousand two hundred and twenty-two taxables, being three hundred and fifty more taxables than the ratio fixed for Westmoreland county. I cannot believe that the honest yeomanry of Westmoreland county would desire this undue influence, in the assessment of taxes, over their fellow citizens of an adjoining county.

3d. Schuylkill county, whose citizens are largely engaged in mining, manufacturing and agricultural pursuits, has twelve thousand eight hundred and sixty-seven taxables, and is allowed two members, being six thousand four hundred and thirty-three taxables to a member, while to the adjacent county of Berks, with sixteen thousand two hundred and sixty-two taxables, is given four members, being four thousand and sixty-five taxables to a member. Upon what principle of equity this discrimination is made, I cannot perceive. Here we find four thousand and sixty-five taxables in one county, possessing the same authority to elect a

member, that is given to six thousand four hundred and thirty-three taxables in an adjoining county.

4th. The county of Westmoreland has, as stated, three members, with eleven thousand six hundred and eighteen taxables. Schuylkill, with twelve thousand eight hundred and sixty-seven, has two members, and Lawrence and Butler, with eleven thousand nine hundred and fifteen, has two members. Here is exhibited the astounding fact that in two districts, containing each a larger number of taxables than Westmoreland, there is given to each a less number of Representatives. Berks has sixteen thousand two hundred and sixty-two taxables, and is allowed four members, whilst Schuylkill and Butler and Lawrence, with twenty-four thousand seven hundred and eighty-two taxables, are allowed no greater number. If the Constitution can be construed to inflict such flagrant wrongs, the liberties of the people are no longer secure under its provisions.

5th. The county of Crawford, with eight thousand one hundred and thirty taxables, is allowed two members, while the adjoining county of Erie, with eight thousand four hundred and thirty-four taxables, is allowed only one member.

6th. The counties of Allegheny, Butler, Lawrence, Dauphin, Erie and Schuylkill, with sixty-nine thousand four hundred and forty-six taxable inhabitants, are allowed eleven members, while the counties of Columbia, Sullivan, Fayette, Westmoreland, York and Mifflin, with forty-two thousand nine hundred and fifty taxables, are allowed eleven members. Here is exhibited an instance, wherein the voice and influence of twenty-six thousand four hundred and ninety-six of the free-men of the State, are unheard and unfelt in the popular branch of the Legislature. By the ratio fixed in the bill, the first named counties would be entitled to fourteen members, and the last named counties to less than nine members.

7th. The counties of Adams, Allegheny, Butler, Lawrence, Beaver, Dauphin, Delaware, Erie, Indiana, Lebanon, Philadelphia city, Somerset, Union and Lancaster, with an aggregate of one hundred and forty thousand two hundred and ninety-four taxables, are allowed twenty-five members; whilst the counties of Columbia, Sullivan, Crawford, Fayette, Monroe, Wayne, Pike, Mercer, Venango, Warren, Mifflin, Montgomery, Susquehanna, Wyoming, Westmoreland, York, Tioga, Elk, M'Kean and Clearfield, with an aggregate of one hundred and five thousand two hundred and eighty taxables, are given the same number.

In the assessment of taxes, and the appropriation of the public moneys, the wrong inflicted on these partially disfranchised counties, is readily perceivable.

The instances of inequality and injustice in the bill, similar to those mentioned, are so numerous, that a further examination and expose of them would seem a waste of time. In this inequality of representation, and disregard of the ratio fixed by the Legislature, there is a violation of the spirit and letter of the Constitution.

The district composed of the counties of Clearfield, M'Kean and Elk, presents an instance wherein counties, erected since the adoption of the Constitution, are given a separate representation on a less number of taxables, than the ratio number fixed by the Legislature.

The formation of Representative districts by the union, unnecessarily, of several counties, is well calculated to remove the just responsibility that the Representative owes to the constituent, and to prevent the popular voice of some of the counties being heard in the Legislature. This anti-republican feature ought to be avoided. The district composed of Armstrong, Clarion and Jefferson, exhibits the following facts:

The Representative ratio is four thousand eight hundred and sixty-five—the county of Clarion has five



thousand and eighty-seven taxables, entitling it to a member, with a very small excess. The counties of Armstrong and Jefferson have eight thousand seven hundred and eight taxables, being proportionately a much larger number of taxables for two members, than is required by this bill for the counties of Fayette, Westmoreland, Berks or Crawford. The interests of these counties may be similar, and to that extent no wrong is perpetrated, but in the event that either county should have separate or conflicting local interests, the rights and wishes thereof must not only be unheard but disregarded. The same remarks apply to the districts composed of Cumberland, Perry and Juniata; and Mercer, Venango and Warren.

In the arrangement of the Senatorial districts, the same disregard of the ratio fixed by the bill, and of the rights of the taxable inhabitants, is exhibited.

1st. To the district composed of the counties of Tioga, Elk, M'Kean and Potter, with eight thousand six hundred and seventy-three taxables, is given one Senator; while to the district composed of the county of Lancaster, with twenty-two thousand eight hundred and forty-three taxables, is given one Senator. The district first named, falls short of the ratio fixed by the Legislature six thousand and seventy, whilst the last named district exceeds the ratio eight thousand one hundred taxables. Lancaster county, with fourteen thousand one hundred and seventy-one taxables more than the counties first named, is allowed no more influence on the floor of the Senate.

2d. The counties of Lancaster, Chester and Delaware, are allowed two Senators; the taxables therein are forty-two thousand eight hundred and eighty, thus requiring twenty-one thousand four hundred and forty taxables to elect a Senator, whilst the counties of Tioga, Potter, M'Kean, Elk and Erie, are allowed two Senators, with seventeen thousand one hundred and seven taxables, thus requiring only eight thousand five

hundred and fifty-three taxables, in those counties, to elect a Senator.

3d. The counties of Crawford, Mercer, Venango, Warren and Jefferson are united, and allowed two Senators, although the number of their taxables only exceeds that of the county of Lancaster two thousand, and falls short of the taxables in Lancaster, Chester and Delaware eighteen thousand and twenty-nine, a difference and inequality greater than the ratio fixed by the Legislature for a Senator.

The number of taxables in the eighteenth, nineteenth and twentieth districts is forty-one thousand nine hundred and fifty-eight. To these districts, this bill gives four Senators, while to the fourth and seventh districts, with forty-two thousand eight hundred and eighty taxables, are given only two Senators.

It is not perceived upon what principle of propriety the system of double districts is adopted. In the formation of the nineteenth district, which largely lacks the number of taxables required by the ratio for two Senators, the county of Jefferson, with two thousand six hundred and twenty-two taxables, is included, while the county of Clarion, with five thousand and eighty-seven taxables, and more eligibly located, as contiguous and adjoining territory, is rejected. From this fact it is manifest that this double district was created with no view of representing fractions, or approximating to the ratio fixed by the bill. It may well be deemed an act of hasty and improvident legislation.

The counties of Crawford and Erie; or Crawford, Venango and Warren; of Mercer, Venango and Clarion; of Erie, Warren and Venango, would all appear well located for single districts.

The transportation of the counties of Clarion and Jefferson from the districts formed by the present bill, would make both districts approach much nearer the ratio adopted by the Legislature, provided this system of double districts cannot be avoided. The peculiar

local interests, and number of taxables in the counties embraced in the fifth and twenty-fourth districts, would not appear to demand the combinations made by this bill, and which are so likely to remove the direct and just responsibility of the Representative to his constituents.

The fourth district is formed of Chester and Delaware counties. The county of Chester alone is entitled, by the number of her taxables, according to the ratio fixed, to a Senator, yet the county of Delaware, with five thousand two hundred and sixty-seven taxables, is unnecessarily added to form said district, whilst the county of Montgomery, adjoining to Delaware, with less than the requisite number of taxables, is allowed a Senator.

The counties composing the second, fourth, seventh, ninth, thirteenth, sixteenth, seventeenth, twenty-first, twenty-fourth, twenty-fifth and twenty-sixth districts, contain two hundred and forty-three thousand six hundred and seventy-seven taxable inhabitants, being more than the one-half of the taxables in the whole State, and are allowed by this bill fourteen Senators, whilst the remaining districts, containing two hundred and forty-three thousand and fifty-two taxables, or less than one-half of the taxables in the Commonwealth, are allowed nineteen Senators. This result exhibits a wrong that cannot be sanctioned by my co-operation.

I have caused to be prepared, and invite attention to the tabular statement annexed to the message. It will furnish, in a succinct form, an analysis of the bill herewith returned.

I have heretofore urged upon the Legislature the propriety of giving to important public measures early attention. I regret that the duty of apportioning the State has been delayed to so late an hour of the session, thereby precluding that consideration by a co-ordinate branch of the government, which its importance de-

mands, and which the present bill convinces me it did not receive at the hands of the Legislature.

With the sincere desire of expediting your labors by an early return of this bill, I have devoted my time to its consideration, since its presentation to me for examination.

I cannot believe that the Representatives of the people, or any of them, would designedly inflict wrong upon a part of their fellow citizens. I feel that the spirit of justice and fair dealing, that so largely marks the character of our common constituency, would frown indignantly upon all attempts to disfranchise any portion of the citizens. I know that the people will denounce any and every encroachment, as they have always heretofore done, that may be contemplated against the liberty and equal rights of the citizens.

The bill is returned to the House of Representatives in which it originated.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, April 9, 1850.





|  |   |        |        |       |       |           |        |           |
|--|---|--------|--------|-------|-------|-----------|--------|-----------|
| 19. Venango, Crawford, Mercer, Warren and Jefferson, ..... | 2 | 29,486 | 24,851 | ..... | 4,635 | 30,770 34 | 31,369 | 10,880 99 |
| 20. Erie, .....  | 1 | 14,743 | 8,434  | ..... | 6,309 | 10,879 72 | 10,323 | 3,219 73  |
| 21. Butler, Beaver and Lawrence, .....                     | 1 | .....  | 17,658 | 2,915 | ..... | 20,711 48 | 15,634 | 5,781 00  |
| 22. Allegheny, .....                                       | 2 | 29,486 | 28,547 | ..... | 939   | 55,730 58 | 16,450 | 9,476 51  |
| 23. Washington and Greene, .....                           | 1 | 14,743 | 14,476 | ..... | 267   | 33,163 59 | 11,302 | 5,799 86  |
| 24. Westmoreland, Somerset, Bedford & Fayette, .           | 2 | 29,486 | 30,439 | ..... | 953   | 49,894 70 | 35,281 | 12,247 11 |
| 25. Armstrong, Indiana and Clarion, .....                  | 1 | 14,743 | 16,703 | 1,960 | ..... | 19,088 51 | 17,427 | 6,902 76  |
| 26. Centre, Clearfield, Cambria and Blair, .....           | 1 | .....  | 15,684 | 941   | ..... | 32,017 61 | 17,417 | 6,477 84  |

## TABULAR STATEMENT.

| Districts.                              | No. of Representatives. | No. of taxables required. | No. of taxables. | Excess. | Deficit. | Amount of State tax. | No. of scholars. | Amount of school appropriation for '50. |
|---|-------------------------|---------------------------|------------------|---------|----------|----------------------|------------------|---|
| Adams, .....                            | 1                       | 4,865                     | 5,619            | 754     | .....    | \$12,464 05          | 6,606            | \$2,446 47                              |
| Allegheny, .....                        | 5                       | 24,325                    | 28,947           | 4,222   | .....    | 55,780 58            | 16,450           | 9,475 51                                |
| Bedford and Cambria, .....              | 2                       | 9,730                     | 9,928            | 198     | .....    | 10,126 13            | 11,895           | 4,125 83                                |
| Berks, .....                            | 4                       | 19,460                    | 16,262           | .....   | 3,200    | 66,686 48            | 4,072            | 6,824 45                                |
| Bucks, .....                            | 3                       | 14,595                    | 13,151           | .....   | 1,444    | 50,906 46            | 7,981            | 5,155 75                                |
| Butler and Lawrence, .....              | 2                       | 9,730                     | 11,915           | 2,185   | .....    | 7,437 35             | 6,747            | 2,784 72                                |
| Blair and Huntingdon, .....             | 2                       | 9,730                     | 9,766            | 36      | .....    | 28,345 87            | 9,867            | 4,105 03                                |
| Bradford, .....                         | 2                       | 9,730                     | 8,569            | .....   | 1,161    | 11,023 05            | 10,748           | 3,418 99                                |
| Beaver, .....                           | 1                       | 4,865                     | 5,743            | 878     | .....    | 13,274 13            | 8,887            | 2,996 28                                |
| Chester, .....                          | 3                       | 14,595                    | 14,769           | 174     | .....    | 65,649 51            | 13,119           | 6,537 05                                |
| Cumberland, Perry and Juniata, .....    | 3                       | 14,595                    | 15,121           | 526     | .....    | 37,847 17            | 18,091           | 6,584 19                                |
| Centre, .....                           | 1                       | 4,865                     | 4,946            | 81      | .....    | 14,539 65            | 5,536            | 2,068 86                                |
| Clearfield, Elk and M'Kean, .....       | 1                       | 4,865                     | 4,729            | .....   | 136      | 4,777 89             | 4,473            | 1,814 25                                |
| Clarion, Armstrong and Jefferson, ..... | 3                       | 14,595                    | 13,795           | .....   | 800      | 13,399 45            | 14,247           | 5,477 19                                |
| Columbia and Sullivan, .....            | 2                       | 9,730                     | 7,490            | .....   | 2,240    | 14,906 33            | 7,565            | 3,013 70                                |
| Crawford, .....                         | 2                       | 9,730                     | 8,130            | .....   | 1,600    | 8,251 92             | 11,025           | 3,281 14                                |
| Dauphin, .....                          | 1                       | 4,865                     | 7,683            | 2,818   | .....    | 27,451 99            | 8,213            | 2,579 31                                |
| Delaware, .....                         | 1                       | 4,865                     | 5,267            | 402     | .....    | 24,729 91            | 3,833            | 2,042 21                                |

|                                     |    |        |        |       |       |            |             |           |
|-------------------------------------|----|--------|--------|-------|-------|------------|-------------|-----------|
| Erie, .....                         | 1  | 4,865  | 8,434  | 3,569 | ..... | 10,879 82  | 10,323      | 3,219 73  |
| Fayette, .....                      | 2  | 9,730  | 7,611  | ..... | 2,119 | 15,127 80  | 7,284       | 3,022 83  |
| Franklin, .....                     | 2  | 9,730  | 8,386  | ..... | 1,344 | 35,207 46  | 9,573       | 3,666 63  |
| Indiana, .....                      | 1  | 4,865  | 5,530  | 665   | ..... | 7,798 18   | 6,566       | 2,371 85  |
| Lycoming, Clinton and Potter, ..... | 2  | 9,730  | 9,080  | ..... | 650   | 18,003 45  | 8,728       | 3,726 49  |
| Lebanon, .....                      | 1  | 4,865  | 5,708  | 843   | ..... | 23,338 68  | 3,437       | 2,742 90  |
| Lancaster, .....                    | 5  | 24,325 | 22,844 | ..... | 1,481 | 88,573 97  | 16,532      | 8,418 94  |
| Luzerne, .....                      | 2  | 9,730  | 10,898 | 1,168 | ..... | 13,654 17  | 9,279       | 4,483 76  |
| Lehigh and Carbon, .....            | 2  | 9,730  | 11,028 | 1,298 | ..... | 30,329 91  | 6,215       | 4,123 78  |
| Monroe, Pike and Wayne, .....       | 2  | 9,730  | 8,358  | ..... | 1,372 | 9,747 23   | 7,474       | 3,172 99  |
| Mercer, Venango and Warren, .....   | 3  | 14,595 | 14,099 | ..... | 596   | 20,403 30  | 16,958      | 6,873 57  |
| Mifflin, .....                      | 1  | 4,865  | 3,172  | ..... | 1,693 | 12,531 54  | 3,208       | 1,352 18  |
| Montgomery, .....                   | 3  | 14,595 | 13,516 | ..... | 1,079 | 48,556 89  | 7,127       | 5,347 63  |
| Northampton, .....                  | 2  | 9,730  | 8,908  | ..... | 822   | 39,646 20  | 7,957       | 3,500 58  |
| Northumberland, .....               | 1  | 4,865  | 4,655  | ..... | 210   | 13,227 95  | 4,552       | 1,827 78  |
| Philadelphia city, .....            | 4  | 19,460 | 22,730 | 3,270 | ..... | 407,909 60 | No returns. | 26,395 80 |
| Philadelphia county, .....          | 11 | 53,515 | 54,554 | 1,039 | ..... | 7,919 67   | 5,829       | 2,044 67  |
| Somerset, .....                     | 1  | 4,865  | 4,924  | 59    | ..... | 23,588 17  | 5,842       | 5,198 80  |
| Schuylkill, .....                   | 2  | 9,730  | 12,867 | 3,137 | ..... | 9,992 95   | 10,790      | 3,229 82  |
| Susquehanna and Wyoming, .....      | 2  | 9,730  | 8,258  | ..... | 1,472 | 3,447 41   | 7,157       | 2,017 20  |
| Tioga, .....                        | 1  | 4,865  | 5,237  | 372   | ..... | 33,163 59  | 11,302      | 5,799 86  |
| Washington and Greene, .....        | 3  | 14,595 | 14,476 | ..... | 119   | 19,146 44  | 12,428      | 4,450 96  |
| Westmoreland, .....                 | 3  | 14,595 | 11,618 | ..... | 2,977 | 18,123 89  | 4,893       | 2,535 85  |
| Union, .....                        | 1  | 4,865  | 5,350  | 485   | ..... | 30,666 57  | 6,615       | 5,774 93  |
| York, .....                         | 3  | 14,595 | 13,660 | ..... | 1,535 |            |             |           |



To the Assembly with a Mississippi Document Relative to the Perpetuation of the Memory of the Soldiers of the War of 1812.

Gentlemen:—

**I** HEREWITH TRANSMIT COPIES OF A “MEMORIAL of the Legislature of the State of Mississippi to the Congress of the United States,” enclosed to me by the Executive of that State.

Fully approving of the object of the memorial, and believing that the citizens of Pennsylvania feel an equal concern with those of other States of the Union, in any public measure calculated to perpetuate the memory or reward the services of the officers and soldiers of the war of 1812, I embrace the earliest moment to lay the same before your honorable bodies, with the recommendation that such action be taken in the premises as may seem best.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, April 10, 1850.

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To the Assembly Vetoing a Certain Legitimizing Act to Which Is Appended a Rider Virtually Restoring to the Court of Quarter Sessions of Philadelphia the Power to Grant Liquor Licenses.

Gentlemen:—

**T**HE BILL, ENTITLED “AN ACT TO CONFER ON John Diffenbach the rights and privileges of a child born in lawful wedlock, and to change the names of Levi, Isaac and Henry Duck, and for other purposes,” is herewith returned to the Senate where it originated, with the reasons influencing me for withholding from it my approval.

To the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth sections of the said bill there are no objections, and I regret, that under the general title of "for other purposes," is found a provision that I cannot feel at liberty to sanction by my approval.

The tenth section provides for a virtual restoration to the court of quarter sessions for the county of Philadelphia, of the power of granting licenses for the sale of ardent spirits within its jurisdiction; for though in terms it would seem to be a mere power to judge of the rate of assessment and the sufficiency of a tavern keeper's sureties, yet the absolute and uncontrolled determination, as to which of the applicants licenses are to be given, is vested in said court. To this increase of judicial patronage, I confess, myself on principle, resolutely opposed. Had the power merely of judging of the sufficiency of the sureties been transferred from the officer who now exercises it, to the court, there would have been less objection, for the judges must then have confined themselves as in ordinary cases of surety for good conduct, to the decision of a question susceptible of determination, by rules of judicial conduct. Not so by any means, is the vast, and, as it seems to me, dangerous power of actually appointing tavern keeper's in a community, where, according to all concurrent testimony, such privileges are anxiously sought, and have been, it is feared heretofore greatly abused. I cannot but hope that the Legislature will, on a careful revision of this subject, appreciate these dangers as sensibly as I have done, and that this branch of the judiciary, the local judiciary of the city and county of Philadelphia, may yet be protected from the danger and reproach to which this enormous increase of responsible patronage must again expose it.

At the next general election is to be determined whether or not, an amendment to the Constitution

shall be adopted, creating an elective judiciary. Should this amendment prevail, at no very distant day, the election of judges will take place. Here then are two questions, determinable by popular suffrage, in which judicial incumbents may be presumed to have a deep personal interest. They have an interest to defeat the proposed amendment to the Constitution, and that amendment prevailing, they have an interest quite as direct as that which influences any candidate for office to be elected.

I do not permit myself to think that judicial incumbents would allow such interest to sway their official conduct, either in distributing tavern licenses or any other patronage. But a subject is often best illustrated by an extreme, but possible case, and the independence and purity of the judiciary, be the tenure and mode of selection what they may, is too precious, too important to the well being of society, to be lightly and unadvisedly exposed, either to temptation or suspicion.

By the bill now returned, at the beginning of every term of the court, that is, six times a year, three times **before** the next election, and nine times before the election then succeeding, the court of quarter sessions is to be crowded with anxious applicants accompanied by their sureties, and at a time when the prisons may be filled with persons awaiting trial. Public justice, which never in so crowded a community should be delayed, is postponed, and the time of the judges occupied in selecting from this waiting crowd, those on whom the privileges of selling liquor is to be conferred. There is no limitation as to the number of licenses to be granted. It is not, as by the present law, a right to be acquired by any citizen who will give responsible security. It is not, as formerly, to those of a limited number who may bring proper recommendations and exhibit proper accommodations. But it is to all or

none, or such as the judges may in their uncontrolled, irresponsible discretion select. It may be one, or it may be one thousand. Surely a more fearful patronage never before was lodged in the hands of fallible men. Never, as I have shown, was a more inappropriate moment selected for conferring it.

I have no reason, and the Legislature can, I am equally confident, have no reason to suppose that the judges in the county of Philadelphia, desire this restoration of patronage, calculated as must be very apparent, to expose them to suspicion and reproach. But if such were their desire, if any agency of theirs could be even imagined in an attempt to recover patronage, the Legislature will agree with me in thinking no better reason could be given for refusing it.

For the sake of judicial independence, essential to the safety of liberty, property and reputation, essential to the security of the citizen in every relation of social life, I invoke the re-examination of a measure so fraught with danger to the community, and to the judiciary itself.

My attention has been directed to the operation of the existing law on the subject of tavern licenses in the city and county of Philadelphia, and the more so, as great solicitude has been expressed on the subject by many of our fellow citizens deeply interested in the great cause of temperance. I should also frankly say that the financial relations of the law are not without influence with me. The increase of revenue from this source has been very great. A portion of what is received under the act of 1849, is pledged to the sinking fund, while that specifically derived from tavern licenses is applicable to State purposes, and forms a large element of the general fund appropriated in the first place to the payment of interest on the State debt and other purposes, and the surplus, if any, by the act of 10th April, 1849, to the completion of the North Branch canal.



We may well pause before we surrender without due consideration any fruitful source of revenue. Still, I have no hesitation, no honest public man can have, in yielding this or any branch of income, if it comes in conflict with considerations of morality or religion, or that cause which is interwoven with both, of temperance. I desire to state some reasons which lead me to doubt the validity of the objections made by some of our citizens to the existing law.

It will be recollected that the present law had among its advocates at the time of its enactment, many of the truest friends of temperance.

They felt that the old system now sought to be restored, did not answer at all. That it was a system of connivance, of abuse of law. That while the court gave licenses in limited numbers, there was a multitude of unlicensed tippling-houses in every nook and corner, often under the very view of the court itself, and its officers. That the time of the court was engrossed by the trial of tippling-house cases, or what was quite as common, by pleas of guilty, the offenders content to pay their fines, and go on in their offence, trusting to the multiplying chances of escape.

Like all other modes of ineffectual penal justice, it was a system literally twice cursed.

The administration of the law, and the objects of the law alike felt its pernicious influence. Let any one, the friends of temperance especially, re-call the scenes which occurred, and the abuses which existed under the old system, and they will, I am confident, agree with me, in thinking this statement of the past is not exaggerated.

To remedy this, and by a very remarkable concurrence of opinion, the act of 1849 was passed. That there are in it defects, in matters of detail, is very manifest. Some of them, those especially which may be called penal provisions, have been rectified at this

session of the Legislature; and others, especially one that shall require the exhibition of the license in a prominent place, and make its non-production evidence of its non-existence, I shall be most happy to co-operate with the General Assembly in supplying.

Unfortunately for the cause of temperance—unpropitiously for this new system, the law has never yet had a fair chance. No sooner had it gone into effect than a doubt was expressed that under the new law, no man could be indicted or punished for keeping a tippling house. Though the act, in its penal section, provided expressly for a first and second conviction, for a fine and for an imprisonment, still it was denied that any one could under it be punished for selling liquor without a license.

The effect of this was at once perceptible. The law, in its penalties, became a dead letter. Though this opinion was in an unauthoritative form, it naturally had its effect. The desperate and lawless characters who had theretofore defied the laws, defied it still. The keepers of beer houses sold spirituous liquors without fear of punishment, because they were told that the law did not provide for their case. Those who honestly gave their sureties, and paid for their tavern licenses, saw around them perhaps hundreds of unlicensed tippling houses, rejoicing in their exemption from punishments, and the friends of temperance and good order were scandalized by the apparent increase of liquor selling, without seeing that it arose, not from the law itself, not from the new system, but from either its misconstruction or a defect of detail in the law, which could be, and as I have said, has been wisely remedied. Nor was this all. Owing to this scruple, no doubt honestly, but as it seems to me unfortunately entertained, the constables were not called on to make their returns of the venders of spirituous liquors; and when at last a conviction for keeping a tippling house

occurred, and a motion in arrest of judgment was made and argued, thus bringing up for regular adjudication the doubtful question, no decision has ever been made, or if so, so far as I am informed, has ever been made public. That I am rightly informed in these particulars, is apparent from the action of the Legislature at the present session, both Houses having passed a bill which has received my approval, and is now a law in the following words:

“Section 8. That nothing in the fourteenth section of the act of the sixteenth of April, one thousand eight hundred and forty-nine entitled ‘An Act to change the mode of granting tavern licenses in the city and county of Philadelphia,’ shall be construed to prevent the prosecution by indictment within said city and county, of persons selling spirituous liquors by less measure than a quart without license, or to require any other specifications of the time of the commission of said offence than has heretofore been required in indictments for keeping tippling houses, in the courts of the State.”

The law being thus by direct legislative interposition set right, will now for the first time, have a fair chance, and its penal provisions be carried strictly into execution.

These being the unquestioned facts—this being the history of the imperfect execution of the existing law, all prosecutions for selling liquor having been virtually suspended in the city and county of Philadelphia, for the last nine months, I am justified in the opinion entertained, that the evils of the new system are not attributable to the system, but to its defective administration, and that until it is more perfectly tried, it would be unwise, either with reference to considerations of morality or expediency, to abandon it, and substitute in its place a system, which for years was onerous to the community, in no degree restrictive of in-

temperance, and which almost by common consent was given up.

The tavern license patronage in the city and county of Philadelphia, is necessarily enormous. As the law now stands, there is no patronage or influence about it, and no one, as I am aware, pretends there is. To give it back, with all its temptations and responsibilities, to a local tribunal, at this peculiar crisis of the judicial tenure, would be in my judgment, in every way inexpedient and not to be desired by the judges themselves.

It is not for me to say, for we all realize it, how dear to the people of this Commonwealth is the hope that the judges of our courts should be free, even from suspicion—that they should be kept above the turmoil of political strife, and the temptations of political competition. This hope—the singular solicitude which the people have on this subject, is apparent on every page of our legislative history, and enlightened and independent judges, so far from being wounded by the manifestation of popular vigilance, feel it to be their best safeguard.

In illustration of this, I cannot forbear bringing to the recollection of the Legislature an act passed during the administration of my immediate predecessor, and which now is in full force on our statute book, which provides that it shall not be lawful for the judges of the several courts of this Commonwealth, or any one of said judges to appoint an auditor, master in chancery, examiner, commissioner or appraiser, any person related to or connected with said judges, or any one or more of them by ties of consanguinity or marriage. This law, with the history of which the Legislature is presumed to be familiar, is in full vigor. It illustrates the scrupulous care of the representatives of the people, on this and kindred subjects. It has, however, ungracious on its face, been acquiesced in by the judges, who feel themselves safer in the prohibition.



This being the law, and this my appreciation of the popular will on this delicate and important point, I cannot yield my approval of an act, which for very inadequate reasons gives to the judges of the court of quarter sessions for the city and county of Philadelphia, the absolute and uncontrolled power of granting as many licenses to sell liquor as they may please.

I respectfully commend these views to the candid consideration of the Legislature.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, April 15, 1850.

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To the Assembly Approving an Act to Fix the Number of Senators and Representatives and to Form the State into Districts, with Comments Thereon.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO FIX THE number of Senators and Representatives, and form the State into districts in pursuance of the provisions of the Constitution," has received my approval, and therewith become a law.

I have signed this bill with great reluctance, and feel that a brief statement of the peculiar circumstances in which I have been placed, will furnish satisfactory reasons for my action thereon.

The Constitution requires the apportionment of the State to be made by the present Legislature; that duty was the most important devolving upon your honorable bodies, and its omission would have been a gross wrong to the people, whose confidence in your wisdom and patriotism had induced them to invest you with the powers and trusts of representatives. A failure to perform this oath-bounded obligation would have

produced wide spread excitement and alarm, and would, if the voice of passion and prejudice was heard and obeyed, have resulted in great outrage to the peace and prosperity of our beloved Commonwealth.

It is fair to presume that, for some valid reason, a bill for the purpose of districting the State was delayed in its presentation to me until the fourth day of April last, being a period of three months and four days after the meeting of the Legislature. This bill I could not approve, and to prevent any unnecessary delay in the transaction of the public business, within five days, to wit: on the ninth of April, I returned the same to the House of Representatives, in which it originated, with my objections detailed in as succinct form as it was possible for me to put them. From that time until the fourteenth day of May, being a period of more than one month, no other bill, for a similar purpose, was presented to the Executive Department. At four o'clock on yesterday evening, within less than twenty-four hours of the time fixed by both branches of the Legislature for final adjournment, the act now under consideration, was presented to me, thus allowing the Executive less than half a day for the consideration of a measure to the deliberation and construction whereof a co-ordinate branch of government had devoted, among other less important measures, upwards of four months.

I was thus suddenly called upon either to approve the bill presented to me, or by refusal, permit the great constitutional injunction, requiring the apportionment to be made at this session, to be neglected and disregarded, or as an extreme measure, to call together the Assembly by proclamation to enable them to perform a constitutional duty, the obligation whereof they knew existed at the time of their adjournment.

I believed that a refusal to sign the bill might be productive of great injury to the Commonwealth, dis-

turb the peace of the community, spread confusion and outrage over the land, and possibly do violence to the great charter of our liberties. The reassembling by proclamation of the present Legislature might, and most probably would have resulted in the adoption of no practical measures, while the moneys of a tax-burthened people would be unnecessarily consumed.

I had, most distinctly, informed the Legislature of the inequalities of the former bill; I had suggested doubts of the constitutionality of its provisions, and had expressed a decided disapprobation of the policy of connecting counties, in forming representative districts; then, as now, believing that it was anti-republican in its conception and well calculated to remove the just responsibility of the representative, a fatal error in a republican government. That these suggestions had no influence upon the Legislature is apparent by the unnecessary connections, by the present bill, of the counties of Fayette and Westmoreland, of Armstrong, Clarion and Jefferson, and many others that might be enumerated. It is equally manifest that the remarks in relation to counties created since 1790, have produced no impression.

In that message, without the slightest wish to regard the preponderance of political parties, my views of a fair and equitable apportionment were given to the Legislature. From the apparently entire disregard of my suggestions, in the construction of the present bill, I could not expect to find, from a continuation of your session, any change in the opinions of members, and hence was forced to believe that all efforts on my part, to carry into effect the spirit of the Constitution, as I understood it, would prove abortive in reconciling the dissimilar sentiments entertained upon the subject.

Impressed with the conviction that it was unsafe to have no legislation on the subject, and that the continuation of your session or your re-assemblage would

result, for the reasons stated, in the enactment of no more equitable law than the present, I have felt it to be better, under the circumstances, to give my assent thereto; and although it is far from being such legislation as I could have desired, it is infinitely preferable to the infliction of the wrong upon popular institutions that might and most probably would have resulted from your separation without the passage of any law on the subject.

In my humble judgment, so gross an infraction of the Constitution would leave the lives, reputation and property of the citizens without the protection and safety guarantied by a faithful observance of the organic law.

This statement is submitted that my fellow citizens may know the reasons that have influenced me to sign a bill which, I feel, is not equally just to all sections of the State, and which does injustice to the great party with whom I have the honor to concur in political partialities.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, May 15, 1850.

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Proclamation of Reward for the Apprehension of the  
Murderers of Cornelius Mooney, of Moyamensing.

Pennsylvania, ss:



**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia, I, WILLIAM F. JOHN-  
STON, Governor of the said  
Commonwealth,

[Signed] Wm. F. Johnston,



## A PROCLAMATION.



Whereas, it has been represented to me that outrages on the public peace are continually occurring in different portions of the city and county of Philadelphia whereby the lives and property of orderly citizens are endangered and sacrificed, and deep discredit cast on the character of the community;

And whereas recently the life of a peaceable man and officer of the law, as it is represented to me while in the discharge of his duty, has been destroyed under circumstances of the greatest atrocity;

Now by virtue of the constitutional authority vested in me to see that the laws are faithfully executed, and peace and good order maintained and in order, if possible, to put an end to these outrages as Chief Magistrate of the Commonwealth, I call upon all good citizens to unite in their suppression, and especially the municipal authorities of the disturbed districts, so that this evil may be at once put an end to, being resolved as far as the Executive authority can effect it, to vindicate and assert the power of the law. And in order to this end and by virtue of the same authority, I hereby offer a reward of One Thousand Dollars for the arrest and conviction of the individuals who on the morning of the 26th inst., barbarously murdered a certain Cornelius Mooney, a watchman of Moyamensing, whilst in the discharge of his duty.

Witness my hand and the great seal of the Commonwealth, this 29th day of May, A. D. 1850.

Attest:

A. L. Russell,

Secretary of the Commonwealth,

Proclamation of Reward for the Apprehension of the  
Murderers of Charles I. Armitage, of Philadelphia  
County.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. By WILLIAM F.  
JOHNSTON, Governor of the  
said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas, I have received authentic  
information that a certain Charles I.  
Armitage late of the County of Phila-  
delphia in this Commonwealth was  
murdered on the evening of Monday, the  
eighth day of August, A. D. 1850, in the

District of Southwark in said county of Philadelphia,  
by some person or persons whose names are unknown,  
for whose discovery and arrest, all efforts, have hither-  
to proved ineffectual.

And Whereas the reputation of the Government, the  
peace and security of its citizens, and the obligations  
of justice and humanity require that the perpetrator or  
perpetrators of said offence should be brought to  
speedy and condign punishment. I have therefore  
thought proper to issue this Proclamation hereby offer-  
ing a reward of five hundred dollars to any person or

DOCUMENT RELATING TO THE PROCLAMATION.

Southwark, Philada. Co., Aug. 10, 1850.

His Excellency Wm. F. Johnston

Governor of the Commonwealth Penna.

Enclosed please find a copy of a resolution of the board of Commissioners  
of the District of Southwark, passed on the 8th inst.

The murder therein mentioned appears, from the facts elicited on the  
coroner's inquest to have been as follows, Rich'd Manly with two others

persons, who shall apprehend and secure the said offender or offenders against the public peace in any jail within this Commonwealth to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid, and all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alledged perpetrator or perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this twelfth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Commonwealth the seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Commonwealth.

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were coming up Moyamensing Road near Carpenter Street, when some person or persons discharged (at him it is supposed) the contents of a gun, or some other fire arm, heavily loaded; Manly escaped uninjured, but a lad of about 12 years of age was killed. The lad's name was Chas. I. Armitage; he was sitting on the steps of his father's house at the time of the occurrence.

Nothing which has happened in our District for years has so startled the community as this sad murder; and in view of these facts the accompanying resolution was passed.

Respectfully,

Your Obt. Servt.,

GEO. C. RICKARDS,

President.

Resolved, That this corporation will pay the sum of Five hundred dollars, for the arrest and conviction of the person who fired the gun, pistol or other weapon, in the vicinity of Moyamensing Road and Carpenter Street, on Monday evening last, whereby the lad, Charles I. Armitage, was deprived of his life; and that the president be requested to lay the facts of the murder before the Governor of the state of Pennsylvania, and invoke his aid in adopting means to arrest the murderer.

Extract from the Minutes of 8 Aug. 1850.

GEO. C. RICKARDS,

President.

Attest:

R. C. KRIDER,

Clerk.

Proclamation of Reward for the Apprehension of the  
Murderers of Charles Burd, of Philadelphia  
County.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. By WILLIAM F.  
JOHNSTON, Governor of the  
said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas it has been represented to me by proper authority that on the night of Monday, the nineteenth day of August, A. D. 1850, a certain Charles Burd, a respectable mechanic returning from his daily pursuits was waylaid, robbed and murdered in the neighborhood of Fifth and Gaskile streets in the city of Philadelphia, by some person or persons whose names are unknown and for whose discovery and arrest all the ordinary modes of detection and apprehension have failed.

Now by virtue of the authority in me vested, and with a view to aid in any effort to suppress, by the punishment of offenders, the lawless gangs which now infest a portion of the County of Philadelphia. I hereby offer a reward of one thousand dollars, for the apprehension of the murderers of the said Charles Burd to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid; and I call upon all good citizens and the public authorities, to be vigilant in enquiring after and to co-operate in bringing such offender to justice.

Given under my hand and the Great Seal of the



State at Harrisburg this tenth day of September in the year of our Lord one thousand eight hundred and fifty and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Commonwealth.

### Proclamation of Reward for the Apprehension of the Incendiaries of the Clark's Ferry Bridge.

Pennsylvania, ss:



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

#### A PROCLAMATION.



Whereas it has been represented to me by Thomas L. Wilson, Secretary of the Board of Canal Companies, That on the morning of Wednesday the 11th inst., the Towing Path and Road Bridge across the river Susquehanna, at Clark's Ferry was totally destroyed by fire and that from information received there can be no doubt that it was the work of an incendiary or incendiaries whose

#### DOCUMENT RELATING TO THE PROCLAMATION.

Canal Commissioners' Office,  
Harrisburg, Sept. 19, 1850.

His Excellency  
Wm. F. Johnston  
Gov. of Penna.

Sir: On the morning of Wednesday, the 11th inst. at about half past one o'clock, the towing path and road bridge across the river Susquehanna at Clark's Ferry was discovered to be on fire. All efforts to arrest the progress

names are unknown and for whose discovery and arrest all the ordinary modes of detection and apprehension have failed.

Now by virtue of the authority in me vested, I do hereby offer a reward of one thousand dollars for the apprehension of the said incendiary or incendiaries to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid, and I call upon all good citizens and the public authorities to be vigilant in enquiring after and to co-operate in bringing such offender or offenders to justice.

Given under my hand and the Great Seal of the State at Harrisburg, this nineteenth day of September, in the year of our Lord one thousand eight hundred and fifty, and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Com'th.

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of the flames were unavailing. The structure was totally destroyed. From the information communicated to me by some of the persons earliest at the scene of conflagration, there can be no doubt that it was the work of an incendiary, as portions of the combustible materials, placed under the roof, were plainly discernible.

As the power to offer rewards in such cases for the apprehension and conviction of the guilty person or persons, is vested in you, I have deemed it my duty to make this communication, in order to enable your Excellency to determine, from the facts stated, whether this is not a proper occasion upon which to exercise that power.

The fact that a majority of the Board are confined to their homes by indisposition and the consequent impossibility of holding a meeting at this time, will account for my addressing your Excellency without their direct authority.

I have the honor to be,

Very respectfully,

Your ob't serv't,

THOMAS L. WILSON,  
Secretary.

Proclamation of a Day of Thanksgiving.—1850.


Pennsylvania, ss:



I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

#### A PROCLAMATION.



Another revolution of the seasons has been almost completed. Peace with all nations has been vouchsafed to our Country by the Supreme Dispenser of national blessings. A beneficent Providence has continued His guardian care over the people of this Commonwealth. He has preserved us, under the institutions of free Government, in the quiet and undisturbed enjoyment of civil and religious liberty. He has favoured us with healthful seasons and abundant harvests. Individual happiness rewards the enterprise of the citizens: "The earth is full of the goodness of the Lord." While the inestimable bounties of Providence furnish a suitable subject for mutual gratulation and grateful acknowledgment, an enlightened sense of duty and gratitude to that Being, from whom they flow, admonishes us to unite as one People, in offering up the tribute of fervent thanksgiving and praise, to "Him who watches over the destinies of nations,—who searches the hearts of the children of men,—who hath prepared His throne in the Heavens, and whose Kingdom ruleth over all."

Deeply impressed with the propriety of this duty, in accordance with a venerated custom, and in compliance with the wishes of the great body of the people.

I William F. Johnston, Governor of the said Commonwealth, do, hereby appoint and designate.

Thursday, the 12th day of December next as a day of General Thanksgiving throughout the State, and I hereby recommend and earnestly invite all the good people of this Commonwealth to a sincere and prayerful observance of the same.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and fifty and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—  
1850.

Pennsylvania, ss:



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

#### A PROCLAMATION.



Whereas in and by an act of the General Assembly of this Commonwealth, passed the second day of July, A. D. 1839, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor on the returns of the election of the members of the House of Representatives of the United States, by the Secre-



tary of the Commonwealth, to declare by Proclamation, the names of the persons so returned as elected in the respective district; And Whereas the returns of the general elections, held on Tuesday, the eighth day of October instant, in and for the several districts, for members to serve in the House of Representatives of the Congress of the United States, for the term of two years, from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, whereby it appears that in the First District, composed of Southwark, Moyamensing and Passyunk and Cedar Ward and New Market Ward of the city of Philadelphia, Thomas B. Florence, has been duly elected. In the Second District, composed of the city of Philadelphia, except Cedar Ward and New Market Ward, Joseph R. Chandler, has been duly elected. In the Third District, composed of the Northern Liberties and Spring Garden in the county of Philadelphia, Henry D. Moore, has been duly elected. In the Fourth District, composed of Kensington, North and South Penn, Roxborough, Germantown, Bristol, unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia and Kingsessing in the county of Philadelphia, John Robbins, Jr., has been duly elected. In the Fifth District, composed of the counties of Delaware and Montgomery, John McNair, has been duly elected. In the Sixth District composed of the counties of Bucks and Lehigh, Thomas Ross, has been duly elected. In the Seventh District, composed of the county of Chester, John A. Morrison, has been duly elected. In the Eighth District, composed of the county of Lancaster, Thaddeus Stevens, has been duly elected. In the Ninth District, composed of the county of Berks, J. Glancy Jones, has been duly elected. In the Tenth District, composed of the counties of Northampton,

Carbon, Monroe, Pike and Wayne, Milo M. Dimmick, has been duly elected. In the Eleventh District, composed of the counties of Luzerne, Columbia, Wyoming and Montour, Henry M. Fuller, has been duly elected. In the Twelfth District, composed of the counties of Bradford, Susquehanna and Tioga, Galusha A. Grow, has been duly elected. In the Thirteenth District, composed of the counties of Lycoming, Northumberland, Union, Clinton and Sullivan, James Gamble, has been duly elected. In the Fourteenth District, composed of the counties of Dauphin, Lebanon and Schuylkill, Thomas M. Bibighaus, has been duly elected. In the Fifteenth District, composed of the counties of Adams and York, William H. Kurtz, has been duly elected; and to supply a vacancy in the representation of this State from said district in the Thirty-first Congress, Joel B. Danner, has been duly elected. In the Sixteenth District, composed of the counties of Cumberland, Perry and Franklin, James X. McLanahan, has been duly elected. In the Seventeenth District, composed of the counties of Centre, Huntingdon, Mifflin, Juniata and Blair, Andrew Parker, has been duly elected. In the Eighteenth District, composed of the counties of Greene, Fayette and Somerset, John L. Dawson, has been duly elected. In the Nineteenth District, composed of the counties of Westmoreland, Bedford, Cambria and Fulton, Joseph H. Kuhns, has been duly elected. In the Twentieth District, composed of the counties of Washington, Beaver and part of Lawrence, John Allison, has been duly elected. In the Twenty-first District, composed of the county of Allegheny, Thomas M. Howe, has been duly elected. In the Twenty-second District, composed of the counties of Venango, Mercer, Crawford and part of Lawrence, John W. Howe, has been duly elected. In the Twenty-third District, composed of the counties of Erie, Warren, McKean, Clarion, Potter, Elk and Jefferson, Carleton

B. Curtis, has been duly elected, and in the Twenty-fourth District, composed of the counties of Butler, Armstrong, Indiana and Clearfield, Alfred Gilmore, has been duly elected.

Now Therefore, I have issued this Proclamation, hereby publishing and declaring that Thomas B. Florence, Joseph R. Chandler, Henry D. Moore, John Robbins, Jr., John McNair, Thomas Ross, John A. Morrison, Thaddeus Stevens, J. Glancy Jones, Milo M. Dimmick, Henry M. Fuller, Galusha A. Grow, James Gamble, Thomas M. Bibighaus, William H. Kurtz, James X. McLanahan, Andrew Parker, John L. Dawson, Joseph H. Kuhns, John Allison, Thomas M. Howe, John W. Howe, Carleton B. Curtis and Alfred Gilmore, have been returned as duly elected in their several districts, before mentioned as representatives of the people of this State in the House of Representatives, in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next: And that Joel B. Danner has been returned as duly elected in the Fifteenth District, to supply the vacancy existing in the Thirty-first Congress from the Fifteenth Congressional District as aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and fifty, and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Comm'th.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, January 9, 1851.

Senators:—

**D**URING THE RECESS OF THE SENATE, I COM-  
missioned Joseph M. Sterrett, to be an associate  
judge of the Court of Common Pleas of Erie coun-  
ty, in the room of John Brawley, whose term of office  
had expired.

Alexander Hollman, to be an associate judge of the  
Court of Common Pleas of Venango county, in the room  
of James Kinnear, whose term of office had expired.

Samuel R. Russel, to be an associate judge of the  
Court of Common Pleas of Adams county, in the room  
of George Smyser, resigned.

David Mann, Jr., and Mark Dickson, to be associate  
judges of the Court of Common Pleas of Fulton county.

Daniel Follman and John Cooper, to be associate  
judges of the Court of Common Pleas of Montour  
county.

Samuel Cross, to be an associate judge of the Court  
of Common Pleas of York county, in the room of  
George Hammond, resigned.

James Ross, to be an associate judge of the Court of  
Common Pleas of Clarion county, in the room of Chris-  
tian Myers, resigned.

I now nominate the said Joseph M. Sterrett, Alex-  
ander Hollman, Samuel R. Russell, David Mann, Jr.,  
Mark Dickson, Daniel Follman, John Cooper, Samuel  
Cross, and James Ross, respectively, for the advice and  
consent of the Senate, to the offices named.

WM. F. JOHNSTON.



Proclamation of the Election of John Brisbin as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Wm. F. Johnston.



I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, by a return duly made by the judges of a special election held in the Eleventh Congressional District of this Commonwealth, composed of the counties of Luzerne, Columbia, Wyoming and Montour, on Tuesday, the thirty-first day of December, A. D. 1850, under the authority of an act of the General Assembly passed the second day of July, A. D. 1839, it appears that John Brisbin, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty-first Congress of the United States to supply the vacancy occasioned by the death of Honorable Chester Butler.

And Whereas in and by the forty-second section of the act before recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation, the name of the person elected.

Now therefore I have issued this Proclamation, hereby publishing and declaring that the said John Brisbin, Esquire, is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress

of the United States in the room of the Honorable Chester Butler, deceased, who had been elected a member of the Thirty-first Congress.

Given under my hand and the Great Seal of the State at Harrisburg, the ninth day of January, in the year of our Lord one thousand eight hundred and fifty-one and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Commonwealth.

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To the Senate Nominating Solomon Foster to be an Associate Judge of the Court of Common Pleas for Schuylkill County.

Executive Chamber,

Harrisburg, January 10, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Solomon Foster, to be an associate judge of the Court of Common Pleas of Schuylkill county, in the room of Benjamin T. Pomroy, resigned.

WM. F. JOHNSTON.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,

Harrisburg, January 10, 1851.

Senators:—

I IN CONFORMITY WITH THE REQUIREMENTS of the fifth section of the act of 14th April, 1845, establishing an Asylum for the Insane Poor of the Commonwealth, I do hereby nominate for the advice and consent of the Senate:

Luther Reily, M. D., of Dauphin county, Wm. W. Rutherford, M. D. do. do., E. W. Roberts, M. D., do. do., J. K. Mitchell, M. D., Philadelphia, J. R. Burden, M. D., do., T. S. Kirkbride, M. D., do., Hugh Campbell, M. D., Fayette county, Hon. Joseph Konigmacher, Lancaster county, Aaron Bombaugh, Esq., Dauphin county,

To be trustees of the "Pennsylvania State Lunatic Hospital;" the three first named to serve for one year, the three second named for two years, and the three last named for three years.

WM. F. JOHNSTON.

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To the Assembly Transmitting a Resolution of the Vermont General Assembly Proposing an International Board of Arbitration.

Executive Chamber,  
Harrisburg, January 14, 1851.

Gentlemen:—

THE ACCOMPANYING RESOLUTIONS OF THE General Assembly of the State of Vermont, entitled,

"Resolutions for the promotion of peace," were transmitted to me by the Executive of the said State, to the end, that they might be laid before the Legislature of this Commonwealth.

They are, therefore, herewith transmitted.

WM. F. JOHNSTON.

#### DOCUMENTS.

##### Resolutions for the Promotion of Peace.

1. Resolved, by the Senate and House of Representatives, That our Senators and Representatives in Congress be requested to press upon the consideration of their respective

Houses, with as little delay as may be, the propriety of a joint resolution requesting the President of the United States, to propose to all nations with whom we have regular diplomatic intercourse, the establishment of a permanent board to settle all international disputes or claims.

2. Resolved, That the Governor be requested to forward a copy of these resolutions to the President of the United States, and the Executive of each of the States of the Union, inviting the later to lay the same before their respective Legislatures, and request thir co-operation.

State of Vermont,  
Secretary of State's Office,  
Montpelier, November 14th, 1850.

I hereby certify that the foregoing are correct copies of resolutions, adopted by the General Assembly of this State, on file in this office.

FERRAND F. MERRILL,  
Secretary of State.

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To the Senate Nominating Certain Judiciary Officers.

"Executive Chamber,  
"Harrisburg, January 15, 1851.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, James Pollock, to be President Judge of the Eighth Judicial District, composed of the counties of Northumberland, Lycoming, Columbia, Sullivan, and Montour, in the room of Joseph B. Anthony, deceased.

Jared B. Evans, to be an Associate Judge of the Court of Common Pleas of Jefferson county, in the room of John W. Jenks, deceased.

James B. Lawson to be an associate Judge of the Court of Common Pleas of Clarion county; in the room of Robert P. Maclay, resigned.

W. F. JOHNSTON.



Proclamation Declaring the Adoption of an Amendment to the Constitution.

Pennsylvania, ss:



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas in and by an act of the General Assembly of the Commonwealth passed the ninth day of April, one thousand eight hundred and forty-nine, entitled "An Act prescribing the time and manner of submitting to the people for their ratification or rejection, the proposed amendment of the Constitution," it is enacted and provided as follows, viz:

"Section 3. That it shall further be the duty of the Secretary of the Commonwealth, on receiving the returns for the election for and against the said amendment, to deliver the same to the Speaker of the Senate, on or before the first Monday after the organization of the next Legislature after said returns shall so be received, who shall open and publish the same, in the presence of the members of the Senate and House of Representatives on the next Tuesday thereafter, and when the number of votes given for, and the number of votes given against the said amendment shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the Speaker of the Senate and Speaker of the House of Representatives; one of which shall be filed in the office of the Secretary of the Commonwealth and the other delivered to the

Governor, whose duty it shall be to declare by Proclamation, whether the said amendment has been, or has not been approved and ratified by the citizens of this Commonwealth."

And Whereas the foregoing provisions and requirements have been fully complied with;

Now therefore I have issued this Proclamation, publishing and declaring the number of votes given "For the amendment" to be one hundred and forty-four thousand five hundred and ninety-four (144,594) and the number of votes given "Against the Amendment" to be seventy-one thousand nine hundred and ninety-five (71,995), and that therefore the said amendment has been approved and ratified by the citizens of this Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, this sixteenth day of January, in the year of our Lord one thousand eight hundred and fifty-one, and of the Commonwealth the Seventy-fifth.

By the Governor,

A. L. Russell,

Secretary of the Comm'th.

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To the Senate Nominating Sobieski Ross to be an Associate Judge of the Court of Common Pleas for Potter County.

Executive Chamber,  
Harrisburg, February 24, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Sobieski Ross to be an Associate Judge of the Court of Common Pleas of Potter county.

WM. F. JOHNSTON.

To the Senate Nominating John Torrey to be an Associate Judge of the Court of Common Pleas for Wayne County.

Executive Chamber,  
Harrisburg, March 12, 1851.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, John Torrey to be an Associate Judge of the Court of Common Pleas of Wayne county.

WILLIAM F. JOHNSTON.

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To the Senate Nominating William Boggs to be an Associate Judge of the Court of Common Pleas for Allegheny County.

Executive Chamber,  
Harrisburg, March 15, 1851.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, William Boggs to be an Associate Judge of the Court of Common Pleas of Allegheny county.

WILLIAM F. JOHNSTON.

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To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, James Miles to be an Associate Judge of the Court of Common Pleas of Erie county.

John Dawson, to be an Associate Judge of the Court of Common Pleas of Fayette county.

Executive Chamber,  
Harrisburg, March 19, 1851.

WILLIAM F. JOHNSTON.

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To the Senate Nominating Jonathan M'Williams to be an Associate Judge of the Court of Common Pleas for Huntingdon County.

Executive Chamber,  
Harrisburg, March 25, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Jonathan M'Williams be an Associate Judge of the Court of Common Pleas of Huntingdon county.

WM. F. JOHNSTON.

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To the Senate Nominating Isaac C. Wykoff to be an Associate Judge of the Court of Common Pleas for Northampton County.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, Isaac C. Wykoff, to be Associate Judge of the Court of Common Pleas of Northampton county, in the room of J. Weygandt, resigned.

Executive Chamber,  
Harrisburg, March 28, 1851.

WM. F. JOHNSTON.



To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Lycoming County.

Executive Chamber,  
Harrisburg, March 29, 1851.

Senators:

**I** DO HEREBY NOMINATE FOR THE ADVICE  
and consent of the Senate, William Ellmaker and  
John Smith, to be Associate Judges of the Court  
of Common Pleas of the county of Lycoming.

WILLIAM F. JOHNSTON.

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To the Assembly Transmitting the Reply of Daniel  
Webster to Its Resolutions of Approval of His Con-  
duct in the Correspondence with the Chevalier  
Husleman, Charge d' Affaires of Austria.

Executive Chamber,  
Harrisburg, March 31, 1851.

Gentlemen:—

**T**HE RESOLUTION TENDERING THE THANKS  
of the Legislature to the Hon. Daniel Webster  
for his patriotic vindication of the principles of  
our Government in his correspondence with the Chev-  
alier Huslemaan, was transmitted in compliance with  
your request.

The Honorable Secretary has desired me to offer to  
the Legislature his grateful acknowledgments for this  
mark of their approbation.

The correspondence is herewith annexed.

WILLIAM F. JOHNSTON.

DOCUMENTS.

Executive Chamber,  
Harrisburg, March 20, 1851.

Hon. Daniel Webster, Secretary of State of the United States:

Sir—I have the honor to transmit herewith, a Resolution of the Legislature of Pennsylvania, expressive of their thanks for your able vindication of the well-established principles of the Republic, as contained in a letter addressed to the Charge d’Affaires of the Austrian Government.

Cordially concurring in this just tribute,

I am, with great consideration,

Your friend and fellow-citizen,

WM. F. JOHNSTON.

Washington, March 24, 1851.

To His Excellency, William F. Johnston, Governor of the  
Commonwealth of Pennsylvania.

Sir—I have the honor to acknowledge the receipt of your Excellency’s communication of the 20th of this month, transmitting to me a Resolution of the Senate and House of Representatives of Pennsylvania, tendering me the thanks of the Legislature for the manner in which the established principles of the Government of the United States were vindicated in a letter addressed by me to the Chevalier Husleman, Charge d’Affaires from the Government of Austria, on the twenty-first day of December last.

May I beseech your Excellency to offer to the two Houses my profound and grateful acknowledgments for this distinguished mark of their approbation; and may I be farther permitted to offer to your Excellency my warmest thanks for your kindness in signifying to me that you cordially concur in the respect paid me by the Resolutions of the Legislature.

I have the honor to be  
Your Excellency’s obedient servant,  
DAN’L WEBSTER.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas for Several Counties.

Executive Chamber,  
Harrisburg, April 1, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADIVCE  
and consent of the Senate, Samuel Bell to be an  
Associate Judge of the Court of Common Pleas of  
Berks county; and Peter Lamm to be an Associate  
Judge of the Court of Common Pleas of Clearfield  
county.

WILLIAM F. JOHNSTON.

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To the Senate Nominating Associate Judges of the  
Court of Common Pleas for Somerset County.

Executive Chamber,  
Harrisburg, April 4, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE  
and consent of the Senate, John C. Kurtz and Jon-  
athan Knepper to be Associate Judges of the  
Court of Common Pleas of Somerset county.

WILLIAM F. JOHNSTON.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 8, 1851.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE  
and consent of the Senate, George Chambers, of  
the county of Franklin, to be an Associate Judge  
of the Supreme Court, in the room of Thomas Burn-

side, deceased; James A. Alexander to be an Associate Judge of the Court of Common Pleas of the county of Warren.

WILLIAM F. JOHNSTON.

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To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 9, 1851.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE  
and consent of the Senate,

James T. Hale, to be President Judge of the 4th Judicial district, composed of the counties of Centre, Clearfield and Clinton.

James Gardner to be an Associate Judge of the Court of Common Pleas of Blair county, in the room of George R. M'Farlane, resigned.

WM. F. JOHNSTON.

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To the Assembly Vetoing "An Act to Provide for the Election of Judges of the Several Courts of this Commonwealth, and to Regulate Certain Judicial Districts."

Geneltmen:—

**T**HE BILL, ENTITLED "AN ACT TO PROVIDE  
for the election of Judges of the several Courts  
of this Commonwealth, and to regulate certain  
judicial districts," which has been just presented for



my approval, contains some features so objectionable in their character, and bears marks of hasty and inconsiderate legislation, that I feel myself bound to withhold the Executive sanction to its passage, and return it, with my objections, to the House of Representatives, in which it originated.

In the judicial history of Pennsylvania, it never has been considered essential to select gentlemen "learned in the law" to act as Associate Judges. The Presidents of the several Courts of Common Pleas were required to be learned in the law, but early usage, sanctioned by various acts of Assembly, had established the practice of the Executive to make the selection of Associate Judges indiscriminately from the people, and had never confined the choice of the appointing power to the legal profession. The amendment to the second section of the fifth article of the Constitution gave additional sanction to the practice, as is clearly distinguished between the Judges required to be "learned in the law," and the Associate Judges of the respective counties. I am unable to see any good reason for restricting the choice of the people to a peculiar class of men, nor can I believe that in adopting the amendment to the Constitution by their votes, the people intended to restrain themselves in a manner unknown in the history of our State. The bill presented for my approval clearly contains a provision to that effect. The third section provides "that the Judges of the Supreme Court, and the President Judges and the Associate Judges of the District Courts of the city and county of Philadelphia, and of the county of Allegheny, and of the Court of Common Pleas of the said city and county of Philadelphia, and of all other courts of record, shall be learned in the law, and all the aforesaid Judges shall be qualified electors of this Commonwealth, and shall be otherwise qualified as required by the second section of the fifth article of

the Constitution of this Commonwealth." The language of this section is so plain and unequivocal that comment is unnecessary, and scarcely adds to its elucidation. It cannot be doubted but that every Court of Common Pleas is a "court of record." In looking through our various acts of Assembly and the provisions of the Constitution, I find a settled meaning given to the words "learned in the law," when applied to Judges, and however desirable it may be to have our courts composed of men learned in the law, such a restriction of choice on the constitutional power of the people transcends the authority of the Legislature. Whether this provision in the bill was inserted through inadvertence, or by design, duty requires me to withhold my sanction from a law which comes in direct conflict with the Constitution, and does violence to the wishes and intentions of the citizens.

The eleventh section of the bill provides that the Governor shall issue commissions to the persons elected "to hold their respective offices from and after the first Monday in December next following such election, for and during their respective terms of office, as prescribed and limited by the second section of the fourth article of the Constitution of this Commonwealth." The section here referred to provides for the mode of conducting impeachments before the Senate, and certainly furnishes no guide or reference to the substance, form, or extent of duration of a commission to be issued. I do not comprehend the reason or propriety of its insertion. It may be a mistake on the part of the Clerks, or an inadvertence or wrong reference, but whether it arose from either it presents a case of hasty and inconsiderate legislation calling for correction.

The sixteenth section of the bill provides that the counties of Huntingdon, Blair, Cambria, and Indiana, shall form the sixteenth judicial district, and further

provides that the courts of Indiana shall be held on the third Monday in January, April, August, and November, and in the county of Huntingdon on the days and to continue the time now prescribed by law. By the existing laws the courts in the last named county are required to be held on the second Mondays in January, April, August, and November, which will bring in direct conflict the courts in the counties of Huntingdon and Indiana. Although this is undoubtedly a mere oversight on the part of the Legislature, it amounts in effect to a denial of justice to the people of one or the other of these counties. It furnishes another instance of the hasty manner in which this bill has been gotten up.

With the view of diminishing the expenses of the Commonwealth, and for more effectually equalizing the labor of the Judges, I recommended in the annual message a reduction of the number of judicial districts. The present bill, it is true, has dispensed with one of the judicial districts, but so far as I can ascertain the amount of business in the respective counties, it has, to a still greater extent, rendered the labor of the Judges unequal. Little benefit can arise to the public treasury from such partial changes as the present bill contemplates, while in the alteration of their judicial connections, and the times for holding their courts, great delay and injustice to the people may be the consequence.

I pressed upon the Legislature the propriety and necessity of early action on all important public measures demanding their attention, and if any inconvenience arises from the failure to legislate on this subject, I shall feel absolved from all blame and responsibility. A fair and just arrangement of the judicial districts of the whole State will most heartily meet my sanction, if it reduces the number of the districts and lessens the charges on the Treasury. Had the subject been acted

on at an earlier period in the session, it is quite probable, nay almost certain, that the errors to which I have adverted would have been avoided, or at all events leisure would have been afforded for their correction.

Whether any legislation takes place or not, the Constitution substantially provides for an election to be held by the people to make choice of their judges, and I shall omit no effort to carry the constitutional provision into full effect. There yet remains sufficient time to pass a law making the necessary provision for the manner of voting for the respective officers, and regulating the proper manner of making the necessary returns.

There are other objections to the bill to which it is unnecessary to allude at this time.

WM. F. JOHNSTON.

Executive Chamber,  
Harrisburg, April 14, 1851.



Proclamation Announcing the Cancellation of Six Hundred and Fifty-Nine Thousand One Hundred and Twenty-Two Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

Pennsylvania, ss:



I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas in and by an act of the General Assembly of this Commonwealth, passed the tenth day of April, one thousand eight hundred and forty-nine, entitled "An Act to create a Sinking Fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," it is enacted and provided as follows, viz: "Section 1. That the Secretary of the Commonwealth, Auditor General and State Treasurer for the time being, shall be commissioners, who are hereby authorized to receive the revenues appropriated by this act, or which may hereafter be appropriated for the same object and to purchase therewith the debt of the State of Pennsylvania, at its market price, if not exceeding the par value thereof, to the full extent of the said revenues, and to hold and apply the same and the interest thereon accruing firmly and invioably on the trusts and for the purposes hereinafter specified." "Section 2. That all revenue derived from the following sources, to wit: the taxes on collateral inheritances and the per centage assessed upon any bank or railroad, or coal mining or railroad and coal mining,

or improvement company charter, all taxes assessed on distilleries and breweries, on billiard rooms, bowling saloons and ten-pin alleys on new counties, on theatrical, circus and menagerie exhibitions, and on eating houses, beer houses and restaurants, and all such revenues as the Legislature may from time to time, set apart for the purposes mentioned in this act, shall, so soon as the same shall be received at the treasury, be paid over to the said commissioners, who shall forthwith proceed to purchase the debts of the Commonwealth, on the terms and for the purposes set forth in the first section of this act." "Section 3. That the said Commissioners shall be authorized to receive the interest due and payable on the debt, so as aforesaid purchased and held by them, which interest shall be likewise applied to the purchase of said debt, so that the same shall form a constantly accumulating fund for the extinguishment of the public debt." "Section 4. That it shall be the duty of the said Commissioners on the first Monday of September, in the year one thousand eight hundred and fifty-one, and on the same day in every third year thereafter, to certify the amount of the debt of the Commonwealth held by them to the Governor, who shall direct the certificates representing the same to be cancelled, and on such cancellation issue his proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt." "Section 5. That the said Commissioners shall within ten days after the organization of the Legislature, in the year one thousand eight hundred and fifty-two, and in every third year thereafter, specially report to the Legislature the amount of the public debt, so as aforesaid liquidated and proclaimed by the Governor to have been cancelled, and what reduction of taxes may, in consequence thereof, be made in order that the Legislature may provide for such reduction in the burthens of the people."

And whereas, Alexander L. Russell, Secretary of the Commonwealth, Ephraim Banks, Auditor General, and John M. Bickel, State Treasurer, Commissioners of the Sinking Fund, have certified to me as follows, viz:  
"Office of the Commissioners of the Sinking Fund,

Harrisburg, September 1, 1851.

To His Excellency,

Wm. F. Johnston,

Governor of Pennsylvania:

Sir: In compliance with the 4th Section of the Act, entitled "An Act to create a Sinking Fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," approved the 10th day of April, 1849. The Commissioners of said fund hereby certify that the amount of the debt of the Commonwealth purchased since the passage of the Act of Assembly referred to, and now held by them is Six hundred and fifty-nine thousand one hundred and twenty-two dollars and ninety-eight cents (\$659,122.98) consisting of 5 per cent. loans negotiated under various Acts of Assembly.

Your obedient Servants,

A. L. Russell,

E. Banks,

Jno. M. Bickel,

Commissioners of the Sinking Fund.

Now therefore, in obedience to the requirement of the fourth section of the Act of the General Assembly aforesaid, I do hereby issue this Proclamation, publishing and declaring the payment, extinguishment and final discharge of Six hundred and fifty-nine thousand one hundred and twenty-two dollars and ninety-eight cents (\$659,122.98) of the Principal of the Debt of this Commonwealth, and that I have directed the certificates, representing the same to be cancelled.

Given under my hand and the Great Seal of the State at Harrisburg, this fifth day of September, in the year of our Lord one thousand eight hundred and fifty-one, and of the Commonwealth the Seventy-sixth.

By the Governor:

A. L. Russell,

Secretary of the Commonwealth.

Proclamation of Reward for the Apprehension of the Murderers of Edward Gorsuch, of Lancaster County.

Pennsylvania, ss:



IN AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. I, WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas it has been represented to me that a flagrant violation of the public peace has occurred in Lancaster county involving the murder of Edward Gorsuch and seriously endangering the lives of other persons. And whereas it has also been represented to me that some of the participators in this outrage are yet at large.

Now therefore by virtue of the authority in me vested by the Constitution and Laws, I, William F. Johnston, Governor of Pennsylvania, do hereby offer a reward of one thousand dollars for the arrest and conviction



of the person or persons guilty of the murder and violation of the public peace aforesaid.

In testimony whereof I have hereunto set my Hand and affixed the Great Seal of the State, this fifteenth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

Attest:

A. L. Russell,

Secretary of the Comm'th.

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Address upon George Washington, with Particular Reference to the Marble Contributed by Pennsylvania to the Washington Monument.

**I**T HAS BEEN DETERMINED BY THE AMERICAN people to rear a monument to the memory of Washington. Every State of the Union has been invited to contribute a block of marble or stone with an appropriate inscription. Pennsylvania here presents her tribute. It is the native marble, digged from her own soil, and chiselled by the hands by her own "cunning." Without Pennsylvania, neither our Union nor the Monument we design to erect to its great founder, would be complete. With her, both will stand forth in glory in strength and in beauty, until the one can defy the storms of foreign or domestic war, and the other tempests of the national world. It is a custom sanctioned by ages and observed by mankind, in every civilized country, to erect memorials in honor of good and great men, who have improved the condition and elevated the character of their country, by useful and refining arts in peace, or by valor skill and good conduct in war. Pyramids, Mausoleums, Monuments, Tombs and Pillars express in

various countries national respect for the memory of the wise, the good and great, the exalted in character and mind, and the exalted in station. The desire to perpetuate the recollections of the dead, is still more strikingly manifested in individuals. It is shown in that display of parental and filial love, which meets our eye in every church yard. It is a feeling common and honorable to our nature, for the dead cannot be flattered by our actions or repay us for our toil. It is peculiarly proper, then for the nation to erect a national monument to Washington—their first soldier, first patriot, first citizen and statesman—the Hero of the American Revolution and the founder of the American Republic, and how peculiarly proper it is, for every one in his individual capacity, to aid in constructing some durable memorial to the Father of our common country. “To honor thy father and mother” is one of the first duties of the christian. To honor Washington is one of the first duties of the patriot, for to him under Divine Providence he is indebted for religious and political liberty, and for all those social blessings which cluster around the hearthstone of an American citizen.

Pennsylvania has been called the “Keystone of the Federal Arch.” She deserves to occupy that proud position in our political temple. Holding an intermediate place between the North and South, the character of her people has been in accordance with the responsible position assigned her. Her citizens have been distinguished for sound common sense, prudence and moderation. They make no loud professions of patriotism, but their attachment to the country is deep seated and devoted. During the war of the Revolution, Washington relied upon the courage, fidelity, and fortitude of the old Pennsylvania line. The wisdom and valor of her citizens, native and adopted, were in-

dispensable to the success of Washington. Franklin brought the men and money of France to his assistance, and Anthony Wayne was always in the thickest of the carnage. The watch word of the Pennsylvania line was ever "ready," brave and faithful. Had the troops of other States always fought like them, the British forces would have won no laurels at Brandywine and Germantown.

The Washington Monument might rear its head high above the clouds, but as already said, it would never be complete without the marble of Pennsylvania. Strangers and pilgrims from distant lands, when viewing the National structure, would anxiously inquire where is the marble of Pennsylvania, and the workmanship of her honest and patriotic sons? Where is the contribution of that State, rendered illustrious in all Christendom, by the philanthropy of Penn, the philosophy of Franklin, and the valor of Anthony Wayne?

There is no part of our State from which a stone could be selected with greater propriety than from this neighborhood. It was in this vicinity that Washington endured the greatest hardships, and underwent the most severe struggles of his revolutionary career.

It is known to every citizen that, when the army of Washington lay in winter quarters at the Valley Forge, the sufferings of the soldiers were terribly bitter. The cold was intense. A thousand of the soldiers were unclothed and barefooted, and in their marches marked their way on the frozen earth by their footprints of blood. Army commissioners had been careless and improvident, and the government poor and nearly bankrupt. The soldiers required blankets, clothing, provisions and shelter. In the midst of all this suffering, the small-pox broke out among them and "war, pestilence and famine" combined against Washington and Liberty. The soldiers murmured, com-

plained, and even threatened to abandon the sacred cause of justice, liberty and their country. They would have openly mutinied, had they not daily beheld their General Washington himself, cheerfully enduring all privations, and boldly and firmly meeting every emergency. Nothing but the courage, the fortitude and prudence of their commander, prevented the army from disbanding, and thus saved the holy cause of American freedom from total destruction.

To add to the horrors of the winter quarters at Valley Forge, a conspiracy was formed against Washington, in which members of the National Congress and officers of the Army were engaged. Washington was forced to contend, not only against cold, hunger and disease, not only against open enemies, who pronounced him a rebel to his government, and a traitor to his king—not only against the natural outbursts of anger and impatience in his own army, but against the “hatred, envy and malice” of enemies, in the camps and councils of his country, men in high position who were endeavoring to deprive him of power and degrade him in the estimation of his own people and the rest of world. Under this combination of open enemies, false friends and adverse events, ordinary men would have sunk hopeless of recovery. With Washington, by the exercise of his great virtue, wisdom, courage and prudence, these evils only tended more fully to render him immortal. He soothed distress, suppressed insubordination, conquered the enemies of his country, and punished his own by leaving them to the reflections of their own condemning consciences, and the verdict of their countrymen. What a contrast between those days and the present time. Then, your fair country was trodden by the feet of hostile armies, now it is the abode of plenty and peace. Then, the comforts of civilized life were hardly known; now, churches, schools, and commodious and beautiful habi-



tations, are seen on every side, and the whole country is enlivened by the hum of industry. Then, Washington was the rebel general, at the head of an ill-fed, ill-clothed and dispirited army. Now, he is hailed as the savior of a nation of twenty-three millions of people. Then, his shelter was a rude hut, now a wealthy, prosperous and enlightened land exhausts the stores of art to erect to his memory a suitable Monument. Then, calumny or accident might have stained his fair fame; now in the quiet resting place of the tomb, his reputation as a citizen, soldier and philanthropist, is secured from detraction and misrepresentation, and is as boundless as the influence of the truths he was instrumental in securing to a civilized mankind.

Then, he was an object of hatred and envy, contumely and reproach, even among some of his countrymen; now, he is adored by American citizens, and it is moral treason to assail his actions, asperse his character, or even contradict his sentiments.

There is a lesson of profound moral instruction conveyed to the mind, in the history of the times Washington passed at Valley Forge in your vicinity. If one so pure, so virtuous and so noble in thought and impulse, could not escape envy and hatred, how can any one of less exalted character hope to escape detraction and defamation. The fear, however, of engendering these bad passions in the breasts of others, should deter no one from the firm, calm and conscientious discharge of duty. If duties are honestly and fearlessly discharged, we can rely with confidence on the intelligence, justice and sound judgment of the people. The atonement due to injured merit may be tardy, but it is just as certainly awarded, as is the punishment which bloodhound, steadiness and ardor, always dogs the footsteps of the wrong doer. Washington was no mere military Hero. The necessities of the times, and the wrongs of his Countrymen, roused into action his

military genius; but had he lived at ordinary periods, he would, in all probability, have persued the peaceful avocation of the farmer and husbandman, and would have excelled in their pursuits as he did in military achievements. At the close of the Revolution, although desirous of retiring to his farm, he yielded to the demands of his country, to serve in a civil sphere of action. In the Cabinet, new garlands were added to the blood stained wreaths he had gained on many a battle field. In the soundness of a mature intellect, and from the impulses of a patriotic heart, he was the earliest and warmest advocate in cherishing, encouraging and protecting our industrial pursuits. To be independent, as well as free, he felt the necessity of reliance upon ourselves for the supply of all our wants. The history and character of Washington suggests thoughts of peace, as well as of war, and this region of country is rife with peaceful, as well as martial associations. The great Preacher of Peace and Benevolence, Wm. Penn, purchased this land from the aboriginies by a treaty which was executed without seal or oath. It is beautifully illustrated on that block. This treaty Voltaire has declared was alone, of all on the records of man, "faithfully kept and never broken." The friends and disciples of Penn peopled, at an early age, this neighborhood. It is, therefore, intimately associated, "as the carvings upon the marble indicate, not only with the great Christian warrior, but with the great Christian philanthropist. They were the same in race, in language, and much the same in character. With all his gentleness, Geo. Washington would have died on the scaffold for his country, and with all his toleration and peaceful teachings, Wm. Penn would have perished at the stake for his religion. The nation is oppressed by the debt of gratitude she owes to Washington. She has endeavored to discharge it in various ways, and now has resolved to express it in

the construction of a monument. Let all good citizens assist in the noble work. Let it rear its head to Heaven, and by the strength and beauty, by its magnitude and altitude, convey to an admiring world some conception of the character of Washington.

"As some tall cliff that lifts its awful form,  
Swells from the vale and midway leaves the storm,  
Tho' round its breast the rolling clouds are spread,  
Eternal sunshine settles it on its head."

Fellow Citizens: The Monument of which that marble will form a part, will crumble into dust, before the Providence of God brings into existence another Washington.

October 15, 1851.

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Proclamation of a Day of Thanksgiving.—1851.

Pennsylvania ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



The promise that "seed time and harvest shall not cease" has again been fulfilled. A God of infinite goodness has watched over and cared for us, as a People, during another year. Plenty has poured her Treasures into our Garners. Peace has presided over our councils, and Health and Happiness have been universally enjoyed.

Civil and religious liberty has been more widely spread and the foundations of those Institutions which our Fathers laid have been deepened and strengthened by the Providence thus vouchsafed to us.

To that gracious Giver, to whom belong "the Earth and the fullness thereof," for these manifold evidences of his beneficence, the Citizens of this Commonwealth owe public demonstration of their humble dependence and adoration and of their heartfelt gratitude and thanksgiving.

Deeply impressed with the propriety of the duty and in accordance with venerated custom, I, William F. Johnston, Governor of the said Commonwealth, do hereby appointed and designate Thursday, the 27th day of November next as a day of general Thanksgiving throughout the State, and I hereby recommend and earnestly invite all the good People of this Commonwealth to a sincere and prayerful observance of the same.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-first day of October in the year of our Lord, One thousand eight hundred and fifty-one and of the Commonwealth the Seventy Sixth.

By the Governor.

A. L. Russell,

Secy. of the Commth.



Proclamation of the Election of Judges of the Supreme Court.—1851.

Pennsylvania ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed] Wm. F. Johnston.

A PROCLAMATION.



Whereas in and by an act of the General Assembly of this Commonwealth passed the 15th day of April A. D. 1851, entitled "An act to provide for the election of Judges of the Several Courts of this Commonwealth, and to regulate certain Judicial Districts," it is enacted and provided as follows, viz:

"Section 9. That on the first tuesday in November next following any election authorized by this act, the Secretary of the Commonwealth, shall in the Hall of the House of Representatives, in the presence of the Governor and such other Citizens of this Commonwealth, as may choose to attend, cause the returns made to him under the provisions hereof, to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his Proclamation, declaring so many of the persons voted for, for Judges of the Supreme Court as shall be required to be elected by this Act, and who have received the greatest number of votes, to be duly elected."

And Whereas the Secretary of the Commonwealth did at the time and place and in the manner provided by the act aforesaid, cause the returns of the election

made to him to be opened and the votes cast for Judges of the Supreme Court to be accurately computed.

Now therefore in obedience to the requirement of the above recited ninth section of the Act of the General Assembly aforesaid, I do, hereby issue this Proclamation publishing and declaring, that of the persons voted for, for Judges of the Supreme Court of this Commonwealth, at the late General Election, held on the 2d tuesday of October last, Jeremiah S. Black, Walter H. Lawrie, John B. Gibson, Ellis Lewis and Richard Coulter being the number of persons required to be elected by the Act of Assembly aforesaid, and having received the Greatest number of votes, have been duly elected.

Given under my Hand and the Great Seal of the State at Harrisburg this fourth day of November in the year of our Lord one thousand eight hundred and fifty-one and of the Commonwealth the Seventy-sixth.

By the Governor.

A. S. Russell,

Secy. of the Commth.

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To the Assembly Approving a Resolution Inviting the Hungarian Patriot, Louis Kossuth, to Visit the State Capitol.

Executive Department,  
Harrisburg, January 7, 1852.

Gentlemen:

**I** HAVE APPROVED, AND SIGNED THE FOLLOWING resolution of the General Assembly, viz.:

“Resolution of invitation to Louis Kossuth, Governor of Hungary;” and in compliance with the request of the General Assembly have directed the Secretary of the Commonwealth to proceed to Washington and present the same to Governor Kossuth, accompanied with the following letter.

WM. F. JOHNSTON.

To Governor Louis Kossuth Transmitting a Resolution of the Legislature of Pennsylvania Inviting Him to Visit the State Capitol.

Executive Chamber,  
Harrisburg, Penna., January 7, 1852.

Gov. Louis Kossuth:

My dear sir:

**I**N COMPLIANCE WITH THE REQUEST OF THE General Assembly of Pennsylvania, I herewith, by the hand of Hon. A. L. Russell, Secretary of State, convey to you their resolution, tendering a cordial invitation to visit the Capital of the Commonwealth.

It affords me great pleasure to be made the medium of communicating to an illustrious and eloquent statesman and patriot, and an honest defender of the "rights of man," the kind regards of our citizens and their representatives.

Sympathizing cordially in all efforts made for the advancement and security of civil and religious liberty throughout the world, and anxious that all nations should enjoy the blessings which republican institutions have conferred upon the people of the United States, I am confident that the Legislature of Pennsylvania, and the citizens of its capitol will feel the same deep gratification I shall do in taking by the hand, in fraternal greeting, the undaunted champion in other lands of our cherished principles and institutions.

I have the honor to remain, with great respect,

Your obedient servant and friend,

WM. F. JOHNSTON.

To the Senate Vetoing "An Act to Repeal the Sixth Section of an Act, Entitled 'An Act to Prevent Kidnapping and Preserve the Public Peace, Prohibit the Exercise of Certain Powers Heretofore Exercise by Judges, Justices of the Peace and Jailors of this Commonwealth, and to Repeal Certain Slave Laws.'"

Senators:—

**A**N ACT ENTITLED "AN ACT TO REPEAL THE sixth section of an act, entitled 'An act to prevent kidnapping and preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace, and jailors of this Commonwealth, and to repeal certain slave laws,' " has been held under advisement since the adjournment of the last Legislature.

In obedience to the provisions of the constitution, I return this bill to the Senate, where it originated, without my approval, and with my reasons for withholding it. To those reasons, founded on the clearest sense of duty, and of official responsibility, I invite your candid attention. They are now for the first time given, because now, for the first time since the passage of this act, has an opportunity offered to confer with those to whom my reasons may be important, and with whom they may be operative. The section proposed to be repealed, is in these words: "It shall not be lawful to use any jail or prison of this Commonwealth for the detention of any person claimed as a fugitive from servitude or labor, except in cases where jurisdiction may lawfully be taken by any judge, under the provisions of this act; and any jailor, or keeper of any prison, or other person, who shall offend against the provisions of this section, shall, on conviction thereof, pay a fine of five hundred dollars, one-half thereof for the use of the Commonwealth, and the other half to the person who prosecutes; and shall, moreover, thence-



forth be removed from office, and be incapable of holding such office of jailor, or keeper of a prison, at any time during his natural life." It is part of a law passed in the year 1847, under the executive administration of my predecessor, and by votes unanimous, or nearly so, of both branches of the Legislature. The bill under consideration, is confined to the repeal of the section prohibiting the use of our prisons, as places of detention, for fugitives from labor. If the legislation proposed authorizes the use of the prisons, it is in repugnance of the Constitution of the United States, as expounded by the Supreme Court. By a decision made in derogation of the local statutes of Pennsylvania, the Supreme Court of the United States held, in so many words, that all State legislation on the subject of the reclamation of fugitives from labor, whether to obstruct or to aid it, to hinder or promote it, is absolutely and entirely prohibited. The legislation of Congress supersedes all State legislation on the subject, and, by necessary implication, prohibits it.

The State cannot enact auxiliary provision on the subject. This is the very language. If, therefore, an act of Assembly were passed authorizing the several county commissioners to erect safe houses of detention for persons claimed as fugitives from labor, under such regulations as the Legislature, or its agents, might prescribe, for the reception and safe-keeping of the inmates, such a law would be unconstitutional, and consequently void, and any single discontented citizen of a county might have it so declared. I am unable to see any difference in this respect between the special construction of such places of detention regulated and controlled by State authority and State agents, and the permission to use those already erected, and regulated by general laws. It is the State law interfering in the question of the alleged fugitive and his claimant, and such laws the Supreme Court of the United States

have pronounced unconstitutional. It is not the legislation of Pennsylvania that has closed our jails against the reception of such fugitives, but a formal decision of the Supreme Court, declaring our former statute on this subject unconstitutional, a decision which, until reversed, is binding on every department of this government.

Nor were the certain consequences of this doctrine thus solemnly adjudicated unforeseen. The present Chief Justice of the United States (an eminent jurist and a citizen of the State of Maryland), in dissenting from the opinion of the court, expressed his belief that these very effects would be produced, and foretold the time when State agency being repudiated, and State prisons closed by this very decision, "the territory of the neighboring States would become open pathways for fugitives from labor." These are his words, and they conclusively show in what light he understood the judgment thus pronounced. I am aware it has been alleged that the point herein mentioned as decided did not arise in the case. It is answered that the judges of the court in their several opinions declared otherwise.

The Chief Justice, who was present, and took part in the hearing, and whose dissenting opinion furnishes his views of what was decided, says: "But, as I understand the opinion of the court, it goes further, and decides that the power to provide a remedy for this right is exclusively vested in Congress, and that all laws upon the subject by a State, since the adoption of the Constitution, are null and void."

Justice Wayne says: "In that opinion it is decided, third, that the legislation by Congress upon the provision, as the supreme law of the land, excludes all State legislation upon the same subject, and that no State can pass any law or regulation, or interpose such as may have been law or regulation when the Constitu-

tion of the United States was ratified, to superadd, to control, qualify, or impede a remedy enacted by Congress for the delivery of fugitive slaves;" then adds, after a learned argument sustaining this view: "I consider the point I have been maintaining more important than any other in the opinion of the court;" alleging, as confirmation, that this was a point decided; that only three of the nine judges composing the court dissented.

Justice McLean makes the inquiry, "Does the provision in regard to the reclamation of fugitive slaves vest the power exclusively in Congress?" and answers: "The nature of the power shows that it must be exclusive. It is contended that the power to execute it rests with the States. The law was designed to protect the rights of the slave holder against the States opposed to those rights, and yet by this argument the effective power is in the hands of those on whom it is to operate. It is essential, therefore, to the uniform efficacy of this constitutional provision, that it should be considered conclusively a federal power."

This judgment of the Supreme Court of the United States determines the law for my guidance and for yours, whatever may be our individual convictions upon the subject. If, then, a prison cannot be built under State laws, for the detention of fugitives—if a prison already built, and subject to State regulations and rules, respecting its inmates, cannot be used—and if, in short, all State legislation of whatever kind is prohibited by a solemn decree of the Supreme Court—is it not worse than idle to pass an act restorative of laws, thus expressly declared, and known in advance to be unconstitutional. The writ of habeas corpus would run into these unconstitutional places of detention; the federal judiciary would themselves have to decide the question. The State judges, in counties where there is no United States judge, and where the

fugitive is committed by a mere commissioner, would be required to issue the writ of right, and that which the friends of this repeal have claimed as a great boon to the claimants, would be worse than a mockery. The claim he now has on the marshal and his sureties for indemnification for the escape of his servant, would be converted into a barren claim against a county jailor, whose first duty would be to discharge a prisoner thus held, if he claimed his liberty. Not so was the law formerly, and before it was decided that all State legislation on the subject is prohibited. Not so will it be hereafter, if the principle of the decision of the Supreme Court be practically carried out, and this whole vexed and vexatious subject be left to the administration of the United States officers.

The act of Congress of the 18th September, 1850, commonly known as the Fugitive Slave Bill, would seem to favor the same views entertained by Judge Story, and pronounced in the decision to which reference has been made. Its whole tenor shows this, and more than one of the detailed provisions confirm it. The custody of the fugitive by State authority is almost forbidden.

The marshal and his sureties are made subject to a pecuniary liability for an escape, which, as the Supreme Court of the United States have decided, in a precisely an analogous case, is defeated the instant the prisoner is transferred to a local jail.

In counties where there is no marshal, the agent of the commissioner is charged with the exclusive custody of the fugitive, and is allowed by the 8th section his expenses for keeping him in custody and providing him with food and lodging during his detention.

Surely no one can pretend to say that this is not a full and exclusive exercise of federal power on the subject. If so, the principle of constitutional law, to which I have referred, is interposed, and the legislation



of a State to transfer this custody to a local prison is prohibited. Is it not, then, most conducive to peace and good order, and the harmonious administration of the law, that this whole subject be left where the Constitution places it, in the hands of the United States authorities.

I have thus frankly stated to the Senate my reasons for withholding my approval of this bill. I have limited them strictly,—guarding myself against any expression liable to misconstruction,—to considerations of constitutional law. I ask for them a candid and careful consideration.

WM. F. JOHNSTON.

Executive Chamber,

Harrisburg, January 8, 1852.

Notification of the Removal of George W. Ash from the Office of Alderman in the District of Spring Garden.

Pennsylvania, ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM F. JOHNSTON, Governor of the said Commonwealth.

[Signed.] Wm. F. Johnston.

To George W. Ash of the County of Philadelphia, and to whom these presents shall come,

Sends Greeting:



Whereas, George W. Ash was on the 13th day of April, A. D. 1874, Commissioned by the Governor of this Commonwealth, under the Great Seal of State to be an alderman for the First Ward of the District of Spring Garden in the County of Philadelphia.

And Whereas at a Court of Quarter Sessions of the Peace for the City and County of Philadelphia, the said George W. Ash, Alderman as aforesaid was on three Several Bills of Indictment, viz, No. 371 of August Sessions A. D. 1851, and Nos. 195 and 339 of October Sessions A. D. 1851, on his own voluntary plea convicted of "Misdemeanor in office" for refusing to pay to the several persons entitled thereto, upon demand being made, certain sums of money, which had been received by, and paid to, the said George W. Ash as an Alderman as aforesaid, in satisfaction of certain judgments rendered by the said George W. Ash; and on one other Bill of Indictment, viz, No. 441 of August Sessions A. D. 1851, of said Court of "Misdemeanor in office" for unlawfully refusing to make out a copy of his proceedings at large of a certain judgment wherein William Jack was Plaintiff and James A. Gallagher was defendant.

And Whereas the eighth section of the Act of the General Assembly Approved 28th March A. D. 1820, entitled "A further Supplement to the Act of 20th March, 1810," it is provided, that, "where any Alderman or justice of the Peace shall receive the amount of any judgment rendered by him, or any part thereof, and shall refuse to pay the same over to the Plaintiff or his agent, or the person to whom it is owing such refusal shall be a misdemeanor in office"—and other acts of the General Assembly, subjects, any Alderman or Justice of the Peace to conviction for unlawfully refusing to furnish copies of his proceedings when legally required. And Whereas the ninth Section of the Sixth Article of the Constitution provides as follows, viz, "All officers for a term of years shall hold their offices for the terms respectively specified, only on condition that they so long behave themselves well

and shall be removed on conviction of misbehavior in office or for any infamous crime."

Now Know Ye, that by virtue of the Authority to me given by the Constitution and laws of this Commonwealth I do hereby remove the said George W. Ash, convict of misdemeanor in office as aforesaid from the office of Alderman, and Proclaim, and declare, the said Commission so as aforesaid issued to the said George W. Ash to be of none effect, to authorise the said George W. Ash, to execute any of the powers, jurisdictions, or Authorities to an Alderman belonging or in any wise appertaining from and after this date. A duplicate hereof has been this day forwarded to the Recorder of Deeds of Philadelphia County.

Given under my hand and the Great Seal of the State at Harrisburg this ninth day of January in the Year of our Lord one thousand eight hundred and fifty-two, and of the Commonwealth the seventy-sixth.

By the Governor.

A. L. Russell,

Secretary of the Commonwealth.

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To the Assembly Transmitting the Reply of Governor Louis Kossuth to an Invitation to Visit the Capital of Pennsylvania.

Executive Chamber,  
Harrisburg, January 12, 1852.

Gentlemen:—

**I**N OBEDIENCE TO THE REQUEST OF THE LEGISLATURE, I transmitted in the manner stated in my message of the 9th instant, a copy of the resolution of the General Assembly, extending to Louis Kossuth, Governor of Hungary, a cordial invitation to visit

the capital of the State. I herewith furnish to your honorable bodies the communication of Governor Kossuth in answer to the same.

WM. F. JOHNSTON.

DOCUMENT.

Washington, January 9, 1852.

To the Honorable, the Senate and Assembly of the State of Pennsylvania:

I beg to return my humble thanks for the resolution inviting me to your capital, which are the more valuable and significant as the official avowal of sympathy with the cause I humbly represent, by the Legislature of the great and influential, commercial, manufacturing and agricultural State of Pennsylvania.

Accept my grateful acknowledgments, on behalf of my country and its cause, for the support you have so nobly vouchsafed to a principle in my person.

L. KOSSUTH,  
Gov. of Hungary.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 14, 1852.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the requirement of the 5th section of the act of 14th April, A. D., 1845, establishing an asylum for the insane poor of the Commonwealth,

Luther Reiley, M. D., of Dauphin county,

William W. Rutherford, of Dauphin county,

John Roberts, Esq., of Dauphin county,

Andrew J. Jones, Esq., of Dauphin county,

To be Trustees of the "Pennsylvania State Lunatic



Hospital;" the three first named to serve for three years, and the one last named for the unexpired term of Aaron Bombaugh, Esq., resigned. .

WM. F. JOHNSTON.

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Address of Welcome to the Hungarian Patriot, Louis Kossuth.

Governor Kossuth:

**T**HE COVENANTS OF DESPOTS FOR THE MAINTENANCE of tyrannic power, commenced to crumble in dissolution the moment thy footprints marked the American soil.

The Nation to whose safe keeping Liberty and her institutions had been confided, quietly slumbered in the enjoyment of her own happiness and prosperity, regardless of the machinations and evil doings of demagogues and despots of other lands. To arouse this guardian of popular institutions to a sense of duty, it was necessary that some persecuted and down trodden child of liberty should bring to her the story of his wrongs. It was thy destiny to perform this holy work. Thy advent here with the history of thy sufferings, and of thy country's oppressions, told in the sublime and eloquent language of truth, filled the American heart with the best sympathies of our nature, and convinced the American mind of the power and the duty of our Government.

Entanglement by alliances in the affairs of Europe was not required, intervention in its contests was not asked.

We have declared the law that man is capable of self-government, and that he possesses the inherent and indistructable right of altering, amending and changing the form of his government, at his pleasure and in

furtherance of his happiness. We have sworn hostility against every form of tyranny over the mind of man. These truths we have made a part of the laws of nations. Despots combine and interfere by fraud and force to prevent the erection of republican institutions by a nation struggling successfully against its local usurping oppressor for independence. Fidelity to our principles and institutions demands that we prevent such interference by solemnly proclaiming that the laws of nations and of humanity shall be preserved inviolate and sacred. In the performance of this duty the faint-hearted may falter; the domestic despot and cold diplomatist may linger behind; the man of world-extended and fearful traffic may hesitate; but the warm and great heart of the American masses will feel no moment of hesitation of doubt in the defence of right.

It is written that man should be free; and the great Author of nations will find the means to carry out his wise designs. How glorious our destiny, if to us is given the solemn charge of carrying into effect the beneficent purposes of Heaven in the establishment upon earth of universal liberty, universal education and universal happiness and peace.

Sir: When the Austrian Emperor demanded the surrender of yourself and compatriots at the hands of the Turkish Government, for the sanguinary purposes which usually control the action of successful tyrannies, and when he inflicted wanton cruelties by scourges, imprisonments, deprivation of virtue and life upon the defenceless women and children of thy prostrated and betrayed Fatherland, the cause of Hungary became the cause of justice and of right. I then felt it my duty to call the attention of the representatives of the people to the fact, in these words. The recent efforts for the establishment of liberal political institution in Europe, have existed in the people of this country the warmest sympathies. The conflict be-

tween the oppressor and the oppressed, whatever may be the incidents or results, having for its object a government capable of protecting and extending political and social liberty, must be regarded by the people of the U. S. with the deepest solicitude. In the enjoyment of institutions which recognize the inherent rights of man, and are founded on the acknowledged principle that all political power is a trust to be exercised for the benefit of the citizen, we cannot witness the struggle between despotism and freedom, without ardent hopes and sincere prayers for the triumph of liberal and enlarged justice. It is impossible to behold a people long the subjects of tyranny and oppression—enlightened by our example, and solicitous for equal enjoyments rising up beneath the burthens which centuries have heaped upon them—casting aside the reverence for power, and the pride of regal splendor, looking forward to the establishment of human rights; to the elevation of the moral and social condition of society; and placing their lives and fortunes on the hazzard of a struggle for these objects; without, on our part, an earnest, an anxious desire that they may succeed. That struggle has been unsuccessful. The arbitrary Governments, in whose midst the noble band of patriots erected their standard, have succeeded with their immense force in maintaining tyrannical authority, and the brave men who fought for freedom have either perished under the barbarous exactions of despotic will, or they wander in foreign lands, exiles from homes, that no longer afford security. In not the policy of our National Government to mingle in the controversies of foreign nations, or is it desirable that it should, by acts of hostility or friendship, break up commercial relations which exist for mutual advantage, but it is, nevertheless, no violation of international law to enter our solemn protest and warning against acts of cruelty and barbarism

upon heroic men and defenceless women. It is no wrong for our Government to unite, with others, in the expression of indignation against the violation of national faith and national law, involved in the demand, for sanguinary purposes, of the brave defenders of human rights.

These sentiments found a response in every heart within our borders. They are referred to now to show that our citizens have wept over your country's wrongs, have sympathized in the sufferings of her children, and anxiously desired to avert the dangers which then overshadowed your own pathway. Permit me in conclusion to perform the pleasing duty which the representatives of the people have requested at my hand. It is to bid you a cordial welcome to their Capitol and to their hearts. Then welcome—thrice welcome—to the homes of Freemen, illustrious and magnanimous defender of civil and religious liberty.

WM. F. JOHNSTON.

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Valedictory Letter to the Whig Members of the General Assembly.

Pittsburg, Jan. 24th, 1852.

To Messrs. Walker, Hart and others, Senators and Representatives in the General Assembly:

Gentlemen:

A PUBLIC SERVANT, RETIRING FROM THE discharge of official duty, ought not to desire a higher recompense than that manifested in the expression of confidence and kindness by those with whom he has been associated. This rich reward is furnished by your kind letter of the 16th. Your approbation of my public actions and social conduct, in the



warm terms used in your communication has filled my heart with the deepest feeling of gratitude.

In separating, however, from cherished personal friends, by whose agency I have been sustained in the performance of arduous responsible duties, I cannot express, by any philosophy I possess, a feeling of sorrow and regret. In the constitution of our hearts there is something which binds us to those with whom we have passed many days of our life, even if they were days of anxiety and toil. How much stronger the feeling of attachment when we remember many hours of happiness and mutual pleasure. To the Whig members of the Legislature, and permit me to add, to the citizens of Harrisburg, I am indebted for many evidences of kindness which I can never hope to repay, unless they will accept my fervent prayers and the sincere offerings of my heart for their welfare and prosperity.

Whatever the future may say of the late administration of our State's affairs, it will be hereafter a pleasant remembrance that during my term in office, I was sustained by the Representatives of my party with an unanimity which convinced my judgment that the motives influencing my actions were appreciated and respected, even if a full concurrence of opinion did not always exist. It was to this steady support of friends and their good counsels and advice that my anxious desire for the public good owed much of its success.

Conscious that the frailties of humanity, as fully centered in me as in my neighbors, and frequently placed, by the peculiar action of parties and their passions, in embarrassing positions I could not have expected exemption from censure or freedom from error. Still I am not in recurring to the past, aware of any official action which I would desire to change or modify.

In conclusion, permit me to declare that, with the

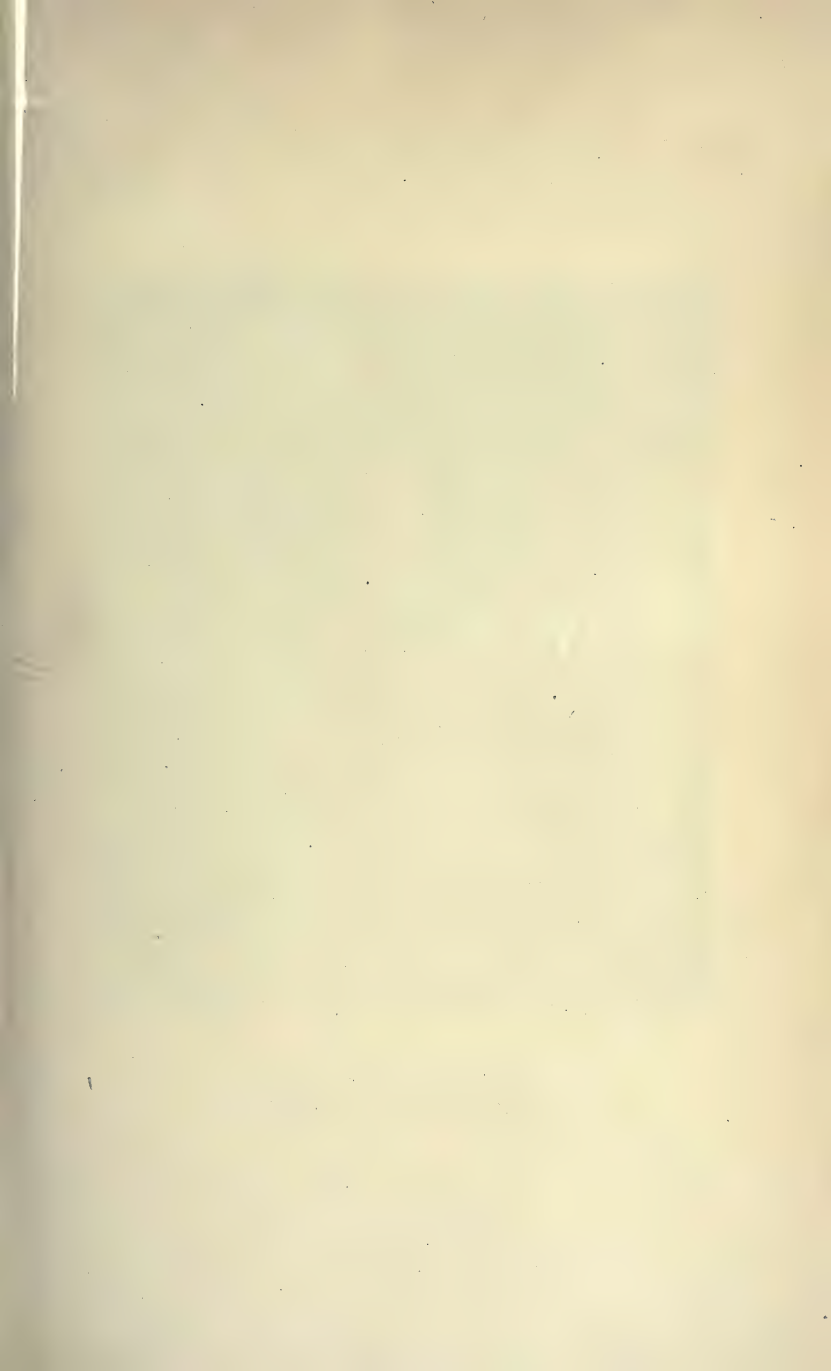
warmest feelings of an honest heart, I love my native Commonwealth. I love her rugged mountains, her fruitful valleys, her glorious rivers. I love her honest people, than whom there is none on earth more willing to do justice to a faithful public servant.

Commending each of you to the holy keeping of that Providence, without whose guiding influence, "our wisdom is folly our works vanity," I beg to bid you farewell, with the request that I may retain your affectionate remembrance.

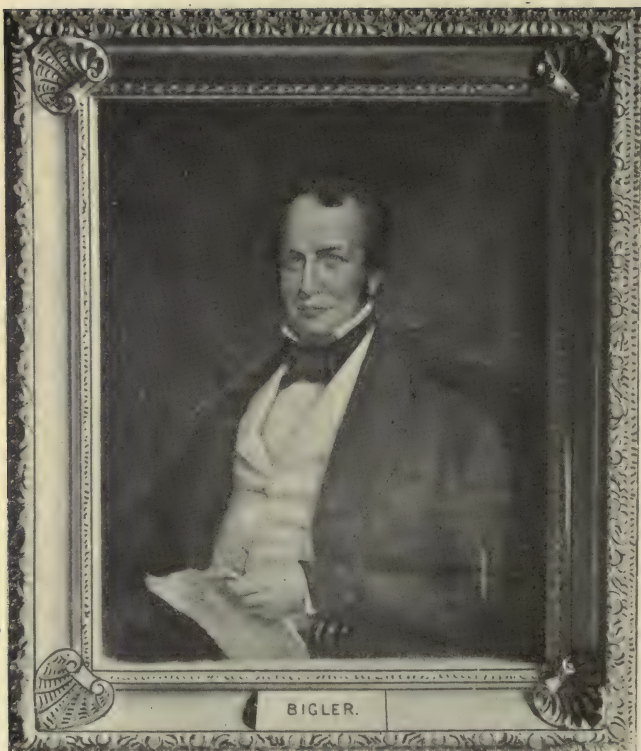
I have the honor to remain your friend and fellow citizen.

WM. F. JOHNSTON.









Wm Bigler

WILLIAM BIGLER,  
Governor of the Common-  
wealth.  
1852-1855.



## Chapter III.

WILLIAM BIGLER,

Governor of the Commonwealth.

1852-1855.

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JOURNALISM, IN THE EARLIER DAYS OF THE country was not regarded as so sure an introduction into public life as in the twentieth century, for aside from Benjamin Franklin, William Bigler is the first newspaper man to be elected to the chief magistracy of Pennsylvania. Born of German ancestry at Shermansburg, in 1813, his early advantages were small, but three years in a printing office at the impressionable age of from fifteen to eighteen years had a lasting and powerful educational effect. With that experience in the office of the *Centre Democrat*, published at Bellefonte by his brother, John Bigler, afterward Governor of California, he set forth to establish a Democratic paper in Clearfield in 1833. Thus was born the *Clearfield Democrat*, of which young Bigler at one and the same time was editor, typesetter, pressman and circulation manager. In 1836, he entered into the lumber business with his father-in-law, Alexander B. Reed, and the firm became the most important one in that part of the State.

In 1841 he accepted the Democratic nomination for State Senator in the district composed of Armstrong,



Indiana, Cambria and Clearfield counties, and was elected by a large majority; in his own county he received every vote cast but one. In 1843 and in 1844, he was chosen Speaker of the Senate, and in the latter year he was again, and in opposition to his wishes, elected to the Senate. In 1848 he was a candidate in the Democratic State Convention for the nomination, which was secured by Morris Longstreth, who was defeated at the polls by Governor Johnston. In 1851, however, he was nominated by acclamation and, in a spirited campaign, defeated Mr. Johnston by an excellent majority.

During his service in the State Senate, the question of chartering a company to build a railway from Harrisburg to Pittsburg entirely within this State was agitated, the project having many opponents. He was an earnest supporter of it and the authority finally granted was in the form suggested by him. Before the expiration of his term as Governor he had the satisfaction of seeing the road completed as he had foreseen. He was opposed to "omnibus legislation," which had attained to the dimensions of an actual evil at the time of his administration; his attitude, moreover, in declining to append his signature to bills containing a variety of dissimilar items, put an end to this system. Upon national issues he stood with his party, although he was personally opposed to the Kansas-Nebraska bill. In 1854, he was again nominated by acclamation but, owing to ill-health during the greater part of the campaign, he was defeated by the candidate of the Native American party, James Pollock.

In January, 1855, he was elected to the United States Senate and in the same year became president of the

Philadelphia and Erie Railroad. He was active in the Senate in opposition to secession and made a personal trip through Kansas in order to assist in settling the vexed questions in which that State was involved. He was a member of the Charleston Convention of 1860, where he opposed the nomination of Douglas, and was temporary chairman of the Democratic Convention of 1864, in which he voted for McClellan. He was a member of the Constitutional Convention of 1873, and was one of the most conspicuous friends of the Centennial Exposition of 1876.

Governor Bigler died Aug. 9, 1880, at Clearfield, having served as Executive of the Commonwealth from January 20, 1852, to January 16, 1855.

## Inaugural Address to the Assembly.

Fellow Citizens:—

THE PROVIDENCE OF GOD HAS PROSPERED our great Commonwealth. The will of the people has called an humble citizen to the performance of the duties of her Chief Executive office. In accordance with the requisition thus made upon me, and in obedience to the provisions of the Constitution, I appear before you to-day for the purpose of subscribing to the oath of office and assuming the duties. I embrace this opportunity to express the profound gratitude I feel toward the people for this distinguished mark of their confidence.

In contemplating the high and delicate nature of the duties appertaining to this station—their complex and difficult character, the magnitude of the interests involved in their faithful performance, I am most solemnly impressed with the responsibility they necessarily impose. The junior of all my predecessors in this high station, I enter upon the discharge of its duties with the utmost distrust of my own qualifications for the task. I have, however, resolved to devote my best energies, my hopes and prayers to a faithful discharge of the obligation I have just taken, and look to the people for that generous indulgence which has ever characterized their action towards public servants, who have honestly endeavored to perform their whole duty. The efforts of man, at best, are but feeble; all the aid that his wisdom can bring to the accomplishment of any great purpose must fail, unless accompanied and controlled by the guardian care of Him who gives direction to all human affairs. On His power and good pleasure all results must depend. On Him we should rely in a spirit of humility and Christian confidence.

Our republican institutions are based upon the axiom, that the people are the only rightful source of

power. Under these instructions, thus founded, the will of the people reflected through the ballot box, gives direction to our public affairs. Through this medium the humblest citizen, not less than the most distinguished, can stamp the impress of his will upon the public policy of the country. This feature of our republican system is its great distinguishing characteristic, and, guided by the general intelligence and patriotism of the people, the cause of our success as a nation. The right of suffrage should, therefore, be held most sacred and inviolate, and its independent exercise enjoyed by every citizen. To prepare the minds of the people for this high trust, by general education, by the inoculation of moral precepts and religious truth, should be accounted the noblest purpose of the Government. All that we are, and all that we can hope to be, as a nation, is dependent upon this source of power. The right of the citizen over property—his personal liberty and security—the freedom of speech and liberty of the press—the free toleration of religious sentiment are alike subservient to this great source of human law. How important is it, then, that this great head should remain pure and independent—"When the fountain is pure, the stream emanating therefrom will be also pure." Then, by promoting the moral and intellectual culture of the people—the source and vitality of our government—our laws will be made wise, our institutions be preserved pure, and our country remain free, prosperous and happy.

The experience of the world seems to demonstrate that general intelligence and republicanism must move together. The successful government of the people is the government of intellect, directed by virtue. A thorough education of the youth of our country will, therefore, tend far more to the security of our institu-



tions and the maintenance of our national honor, than all other means beside. Common school education, high literary attainment, a knowledge of the arts and sciences, a comprehension of individual rights, and the principles of the Christian religion, constitute the very bulwark of our republican government. The schemes and machinations of the demagogue will fall harmless before a people thus thoroughly educated.

The dangerous tendencies of monopoly, and the corrupting influence of money, are met and counteracted by the power and virtue of this knowledge. Liberal expenditures by our government for the purpose of education, may well be regarded as rigid economy, and the payments of the people for the support of this cause, as pure devotion to republicanism. It should be the first care of the parent and the government, and its fruits accounted the richest legacies we can leave to posterity.

In the discharge of the various duties of the office I have just assumed, it will be my anxious desire to do "equal and exact justice to all men, of whatever persuasion, religious or political," and especially to advance the interest of this great Commonwealth—to increase the resources of her treasury—husband her means—diminish her debt, and elevate the standard of her credit, to favor such measures as may be calculated to develop her vast resources, and stimulate alike her agricultural, mining, manufacturing, mechanical and commercial interests, and co-operate most cheerfully with the legislative branch of the government in the adoption of such policy as may tend to lessen the present onerous burthens of the people.

Our vast debt should be reduced as rapidly as practicable. Its injurious effects upon the growth of our population, and the migration of capital to the State, is much more potent than the casual observer would suppose. This may not be most readily accomplished

by a too parsimonious means already secured to the treasury. It may be wise to apply a portion of these to complete public improvements now far advanced in construction, but yet unproductive. The abandonment of such improvements would involve the loss of a large amount of capital already expended, and sacrifice entirely the chances of future returns to the treasury from these sources. Indeed, the speedy completion of the North Branch canal, is, in my opinion, consistent with the truest principles of economy.

Pennsylvania is, perhaps, unrivalled by any of her sister States in natural elements of greatness and wealth. She is no less the garden spot of our common country that she is the "Keystone" of the Federal Arch. Abounding in inexhaustible and varied mineral resources, an abundance of well located water power, admirably adapted to manufacturing and mechanical operations, together with a vast extent of the best agricultural soil, she can doubtless employ, subsist and prosper a greater number of human beings than any other State in the Union. Her mountains, her rugged hills and lovely valleys, are rich with natural advantages to man. Her people are intelligent, industrious and enterprising, and if not restrained by unwise legislation, will soon occupy and improve these advantages to the fullest extent, and thereby render our beloved State prosperous and wealthy in an eminent degree.

A thorough knowledge of the science of agriculture by our people will have a most beneficial effect, if not quite essential to the prosperity of our State. I am, therefore, much gratified with the effort now being made to accomplish this great end. Our own experience, and the history of other countries, fully demonstrates the importance of such scientific aducation. The study of this science, combined with the practical labor of tilling the soil, is no less calculated to elevate

and dignify the farmer, than to reward him for his toil. This great first, most dignified and independent pursuit of man, so peculiarly adapted to our State, and the inclinations of our people, should command the fostering care of government.

Pennsylvania is blessed with a rich abundance and variety of minerals, adapted to the practical uses and necessities of man. Her mineral interests constitute a great and growing source of wealth, contributing largely to enhance the receipts of our treasury. The appreciation thus given to the value of property—the population thereby sustained—the improvements made for their development and advancement, as well as the direct trade they furnish to the public works belonging to the State, greatly promote this end.

The rich and extensive deposits of coal and iron ore within the borders of our State, make her particularly blessed. Her anthracite coal beds, furnishing a choice and cheap fuel for domestic purposes, for generating steam for the stationary and locomotive engine, as well as for the propulsion of our steamships, give to her a trade almost exclusively her own. For the supply of this article, she is without any considerable rival. Although this trade is comparatively in its infancy, it has already grown to one of great magnitude.

The value of the product of the mine is made up mainly by the healthy, invigorating labor of the hardy miner, whilst those engaged in this trade constitute an industrious and valuable constituency, with whose interests the prosperity and greatness of our State is identified.

It will afford me the utmost pleasure to favor all proper measures calculated to advance our great agricultural, mineral and other interests.

Intimately connected with the great interests of the country, is the subject of a currency. The proper disposition of this question is not only highly important,

but one of the most difficult and dangerous duties of the government. The errors of our system are of the most seductive and dangerous character; consisting mainly in the creation of too much paper for the amount of specie basis provided for its redemption. The utmost care should be taken to guard against this tendency, and to secure the people in the use of this medium. This security may be measureably afforded by imposing on the corporators individual liability to the fullest extent.

The injurious effects of an excessive issue of paper money, have been so frequently demonstrated in this country by sad experience, that it is quiet unnecessary to discuss the question on this occasion. The laborer, the farmer, the mechanic, the manufacturer and merchant, are all deeply interested in having a sound currency. No pretext can justify the creation of a superabundant amount of paper money, and it is with painful alarm that I have witnessed a growing disposition over the entire country to increase the use of this medium, on a small specie basis, regardless of the inevitable effect of the large accessions of coin which California is furnishing to this country and to the world. Every people must have a circulating medium, as a matter of convenience. Ours should have whatever amount the transaction of wholesome business affairs may demand; but unfortunately we are too unwilling to stop at the proper period in the creation of this medium. That as coin becomes abundant it should supplant and render unnecessary the use of paper, is to my mind the plainest teaching of common sense; such practical effect is demanded by the true interests of the people. A superabundant amount of money of any kind, cannot fail to enhance nominal values above a proper standard, and thereby engender a spirit of dangerous speculation, and in the end prostrate the great commercial and manufacturing inter-



ests of the country. The manufacturer is more vitally interested in this way than any other question of governmental policy. Without a sound currency, the incidental aid resulting to this great interest from the revenue laws of the general government, can never have force or stability.

I would not be understood by any thing I have said, as holding the opinion that mere legislation, however wise, will give prosperity to a country, while bad legislation may restrain its energies, no matter what the labor, industry, virtue and patriotism of the people may be. Wise legislation can only afford opportunity for the legitimate rewards of natural resources developed by unembarrassed labor. There is, perhaps, no more dangerous political heresy taught in our land, than that the prosperity of the country is to be created by legislation. A just policy can only guard and protect the legitimate means of production from special privileges, the devices of the cunning and wicked. The people should rely on their own individual efforts, rather than the mere measures of government for success. Legislation should give to all citizens an equal opportunity of enjoying the natural advantages which surround them. Corporate power and special privileges too often produce the reverse result, and should therefore only be granted to facilitate the accomplishment of great public purposes, not within the reach of individual means. Capital and labor, co-operating in a proper relative position, have made and will continue to make our country prosperous and happy. The rights of the latter should never be sacrificed to the interests of the former. Special legislation too frequently has this tendency. Capital can always command employment and profit—labor, less able to command either, should receive the watchful care of government.

I am most happy, my fellow-citizens, to meet you in

my present capacity, at a period when our common country is at peace with all the world, and prosperous in an eminent degree. The dangerous conflict touching the subject of slavery, which for a time seemed to menace the stability of the National Government, has been most fortunately, and I trust, permanently adjusted through the medium of what are generally known as the Compromise Measures. The general acquiescence of the several States in this adjustment gives assurance of continued peace to the country and permanence to the Union—permanence to that Union, the formation of which gave our nation early influence and dignity of position with the other powers of the earth. Her rights have, consequently, been respected by all, and her wishes heard with profound regard. In war she has gained a high character for military prowess, and in peace secured the confidence of all mankind. The justice and liberality of her institutions has constrained the oppressed of every land to seek an asylum within her limits, and enjoy, under the ample folds of her national flag, political and religious freedom.

The continuance of these unequalled blessings is dependent entirely upon the perpetuity of this great national compact, and this can only be secured by a faithful observance of the terms of the Constitution under which it is formed. The Union and the Constitution are one and indivisible. The former cannot exist without the latter, and the latter had no purpose but to perfect and sustain the former. He, therefore, who is not for the Constitution, is against the Union; and he who would strike at either, would commit political sacrilege against the great fabric sanctioned by Washington and Franklin. The Federal Constitution must be maintained and executed in all its parts. It is the paramount law of each State, and it is the imperative duty of their respective governments to

assist in the just and full administration of all its provisions. To Congress undoubtedly belongs, in the first instance, the duty of making provision to carry into execution the intent of this instrument; but it is the right and duty of the States, moving within the limits of their reserved rights, to co-operate with the general government in this legitimate work. They should certainly never attempt, by means of their legislation, to embarrass the administration of the Constitution. Such interference cannot fail to engender hostile feelings between the different sections of the Union, and, if persisted in, lead to a separation of the States. So far as legislation of this kind can be found on the statute book of this State, it should be speedily repealed. Of this character I regard the greater portion of the law of 1847, prohibiting the use of our State prisons for the detention of fugitives from labor, whilst awaiting trial. In that work I shall most cheerfully participate, as I shall also aid, as far as I may properly do so, to suppress all attempts to resist the execution of the laws of Congress, whether providing for the rendition of fugitives from labor, or for any other constitutional purpose. The necessity for such action is fully demonstrated by the fatal consequences resulting from such an attempt recently occurring within our own borders.

The loyalty of Pennsylvania to the national Union cannot be doubted. She is now as she ever has been, for the Constitution and its compromises. She will maintain and execute, in letter and spirit, the several adjustment measures as passed by the late Congress on the subject of slavery. She regards these measures as a permanent settlement of this dangerous geographical conflict, and will discountenance, to the full extent of her influence, all attempts at future agitation of the questions settled by them. She has planted herself on the Constitution, and guided by its wise pro-

visions will seek to do justice to all sections of the country, and endeavor to strengthen the bonds of the Union, by cherishing relations of amity and fraternal affection between all its members.

I need say no more, my fellow-citizens, of the importance of the Union. You are, I am confident, abundantly impressed with its magnitude. Without union our liberties never could have been achieved, without it they cannot be maintained. With the dissolution of this national compact would fall the hopes of the world for republicanism—the cause of political and religious liberty—the peace and prosperity of our people. To the end, then, that its great blessings may be preserved, and its advantages vouchsafed to posterity, it becomes the duty of all to yield a patriotic submission to the laws constitutionally adopted, and cherish feelings of affectionate intercourse between the several members of our glorious Union. Admonished so to do by the immortal Washington, let the injunction be regarded by each and all of us with a Christian fidelity. Let our habits of acting, thinking and speaking of the Union be as though it were indeed “the Palladium of our political safety and prosperity; watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning at the first dawn of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.” Then shall we have performed our whole duty—duty to ourselves—to our sister States, and to the cause of republicanism throughout the world.

WM. BIGLER.



To the Speaker of the Senate Giving Notice of the Appointment of Francis W. Hughes to be Secretary of the Commonwealth.

Hon. John H. Walker, Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE THAT I have on this day appointed and commissioned Francis W. Hughes to be the Secretary of the Commonwealth agreeably to the eighth section of the second article of the Constituion.

I have the honor to be, sir,

Your obedient servant,

WM. BIGLER.

Executive Chamber, Harrisburg, January 21, 1852.

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To the Senate Vetoing "A Supplement to the Act, Entitled 'An Act Authorizing the Governor to Incorporate the Hanover Branch Railroad Company.'"

Executive Chamber,  
Harrisburg, January 29, 1852.

Senators:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, the bill entitled "A supplement to the act entitled 'An Act authorizing the Governor to incorporate the Hanover Branch railroad company,' approved the sixteenth day of March, eighteen hundred and forty-seven," without my approval.

The provision in the first section of this bill, intended to confer authority on said company to issue its bonds or obligation "in such manner and form as they may deem expedient" for the payment of the

money, which, by the act incorporating the same, this company is authorized to borrow, fixes no limitations as to the amount of such "bonds or obligations."

This would authorize the company to issue certificates of loan, or other evidences of indebtedness, for any sums whatever not exceeding the whole amount borrowed, and might thereby, in the abuse of such authority, create "obligations" for small amounts, that would pass from hand to hand by delivery, and would make, to some extent, a currency. This would be violating the well settled policy of prohibiting issues of paper intended for a currency by any other than institutions specially created for that purpose, as well as, the equally just policy of prohibiting paper issues intended for a currency of denominations less than those now authorized to be issued by our banking institutions.

WM. BIGLER.

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To the Assembly Commenting upon Certain Expressions of the New Jersey Legislature upon the Missouri Compromise and the Importance of National Union.

Executive Chamber,  
Harrisburg, February 6, 1852.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT TO YOU A series of resolutions, adopted by the Legislature of New Jersey, expressive of the views of that body, in reference to the compromise measures adopted by the late Congress, and the importance of our National Union. In making this communication, I cannot refrain from expressing my admiration of the

just sentiments embodied in these resolutions and of the truly patriotic ground thus assumed by a sister State.

That such doctrines, so timely declared, will have a most salutary influence upon our federal relations, cannot be doubted.

WM. BIGLER.

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To the Senate Vetoing a Bill, Entitled "An Act to Authorize Samuel Buck to Sell and Convey Certain Real Estate."

Senators:—

**B**ILL NO. 96, ENTITLED "AN ACT TO AUTHORIZE Samuel Buck to sell and convey certain real estate," has been presented to me for my approval. This I feel my duty to withhold, and agreeably to the provisions, I herewith return the bill, with my reasons for not approving it.

The preamble and provisions are, viz:

"Whereas, John Beale, of Beale township, in the county of Juniata, and Jane, his wife, did, by deed of conveyance, duly executed, bearing date the first day of January, Anno Domini, one thousand eight hundred and forty-eight, and recorded in the office for recording of deeds, in said county, book E, page four hundred and sixty-three, four hundred and sixty-four, four hundred and sixty-five, grant and convey unto Samuel Buck, and Mary, his wife (late Mary Beale), and and Joseph Folsz, and Nancy, his wife, a certain lot, or piece of land, situate in said county, containing three acres and one hundred and two perches, more or less, according to certain metes and bounds in said deed of conveyance described:

And whereas, The said Mary Buck (late Mary Beale), is since dead, leaving no children; therefore,

“Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Samuel Buck be, and he is hereby authorized to sell and convey all the right, title, interest, and claim of the said Samuel Buck, and Mary, his wife, in the said real estate aforesaid, and to make, execute, and deliver to the purchaser, or purchasers, a deed, or deeds, in fee simple for the same.”

It appears from the preamble, that Samuel Buck, and Mary, his wife, held as joint purchasers, a moiety of the real estate there described. Mary Buck being now deceased, it is proposed by the only section in the bill, to authorize her husband, who survived her, to convey the whole moiety in fee simple.

It does not appear from the recitals in the preamble, whether or not there was any special limitation of respective interests acquired by Samuel Beale, and his wife Mary, by the deed of conveyance to them. If not, then there can be no necessity for the proposed enactment; for, owing to the peculiar character of a conveyance to husband and wife, prior to the act of 11th of April, 1848, relating to the rights of married women, the survivor would take the whole. The peculiarity of such estates is not affected by the act of 1812, abolishing survivorship in estates held in joint tenancy. Samuel Buck would, therefore, as survivor of his wife, take the whole moiety originally conveyed to them. If there be any such special limitation, then the terms of the bill would be in derogation of the rights of others, and contravene the provisions of the ninth section of the ninth article of the Constitution of this State, which declares that no one can



"be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land."

In either aspect, I regard such legislation as is proposed by this bill objectionable. If the husband of Mrs. Buck takes the whole moiety by survivorship, then the proposed legislation is futile, and can do no good. It cannot even remove doubts, because the doubts must grow out of the question as to who has the right, which cannot be changed by this bill, but may provoke undue litigation.

If the husband does not take by survivorship, then as before stated, the bill contravenes the above quoted provision of the Constitution. The preamble states that Mrs. Buck died without issue, a fact immaterial, if the husband takes by survivorship—if not, then her heirs, or those in whose favor the limitation may be, must take; or, it might be, not until the death of the husband,—and a purchaser of the whole moiety from him, notwithstanding such an enactment as this bill, would get but a defective title.

WM. BIGLER.

Executive Chamber, Harrisburg, February 20, 1852.

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To the Assembly Vetoing "An Act Relative to Certain School Districts, to Authorize Corporations to Subscribe to the Stock of the Ohio and Pennsylvania Railroad Company, and for Other Purposes."

Gentlemen:—

**B**ILL NO. 186, OF THE FILE OF THE HOUSE OF Representatives, entitled "An act relative to certain school districts; to authorize corporations to subscribe to the stock of the Ohio and Pennsylvania railroad company, and for other purposes," has been presented to me for my approval. After the most anxious and deliberate examination of its pro-

visions, I have conceived it to be my duty to return it to you, with my objections.

The ninth section of the bill proposes to authorize the "constituted authorities of any corporation within this Commonwealth, other than municipal corporations, to subscribe to the capital stock of the Ohio and Pennsylvania railroad company, and to pay for the same in money or otherwise, as may be agreed upon by and with the authorities of said corporations, and the authorities of said company." It may be somewhat difficult to define the extent of the power proposed to be conferred by the latter part of this section, or to decide how far it might release these corporations from the restrictions imposed by their original charters. I am of the opinion that whatever may have been the intention of the author of this broad and unguarded provision, that it would most certainly vest these corporations with the right to make payment in money, or in bonds and obligations, in any form or size which the authorities of such corporation might deem proper, and thus the subscription of one corporation to the stock of another, might be paid in certificates of stock of five, ten, twenty, or fifty dollars, or in bonds or other evidence of indebtedness of similar denomination, thereby creating a fictitious capital, assimilating a circulating medium, and thus directly contravening the principles laid down in my message in reference to the York and Hanover railroad company, that no certificate of loan should be created of a less denomination than one hundred dollars. These considerations alone, are sufficient to constrain me to withhold my sanction.

Other principles embraced in this bill, and in others of a similar character, which have been presented for my approval, are suggestive of considerations of a most grave and important character, which should, in my opinion, command our serious attention. To these, I desire, briefly, to allude:

The principle of allowing one corporation to subscribe to the stock of another, is of modern origin, but its practical application has been increasing, and the powers under it extending to an alarming degree. The first trace we find of this principle, is in the form of authority to county commissioners, to make subscriptions to specific objects. Next we find a few instances of the extension of it to the municipal authorities of certain small towns, for particular and very limited purposes. The first important exercise of the principle is found in the supplement to the law incorporating the Central railroad company. This law extended to certain municipal corporations, the rights to subscribe to the stock of said company, and limited such subscription to a maximum of five per cent. on the assessable property of said corporation, and defined the mode of payment. In this particular, it is analogous to the principle as theretofore sanctioned. The supplement of the act incorporating the Sunbury and Erie railroad company, recently adopted, authorizes municipal and other corporations to subscribe to the capital stock of said company, and to pay in cash, or in the bonds of said corporation, in sums of not less than one hundred dollars, bearing six per cent. interest, payable semi-annually.

I sanctioned this latter bill with much reluctance. I regarded the application of the principle, as found in this bill, more extended and liberal than the safety and true interests of the people seemed to warrant. I regretted that the power to subscribe had not been confined to certain municipal corporations, with restriction on the amount to be subscribed, and a provision inserted guarding against the sale of the bonds of the cities, boroughs and counties, which may subscribe at an injurious rate of discount, should the necessities of the railroad company at any time require such action. The great importance of the Sunbury

and Erie railroad, as a State enterprise—the peculiar and varied interests involved in its construction—the large section of the State, as yet unaided by our public improvements, to which it will afford the only avenue to market—the difficulties which manifestly surround the laudable efforts which are now being made to secure the necessary capital to commence the work—all these considerations induced me to look with peculiar favor on this great enterprise; and in order as much as possible to facilitate its success, to go far in the application of a principle which I have always regarded as liable to dangerous abuse. It is now sought, by the section under consideration, to go a step farther, and to authorize all banks, railroad, and other corporations within this State, to subscribe to the capital stock of a corporation whose works are mainly located in another State, and make payment in any form the officers may deem proper.

I would not be understood as desiring to embarrass the success of any great public project by adhering tenaciously to a too contracted policy, but experience has demonstrated that we cannot be too cautious in the creation of corporate powers. The most acceptable principle in such legislation is liable to abuse, and thus a project, wise and proper in itself, may be attained through the use of means calculated to greatly lessen its legitimate blessings. Whilst, therefore, subscriptions by municipal corporations may to some extent be allowable, we can readily imagine that the power might be so exercised as to do infinite harm to the people. The right to make such subscription, and pay in bonds without any conditions as to its extent, might throw on the people represented by such municipal corporations, the most onerous burthens, without securing the construction of the improvements for which they are taxed. The bonds of the corporations so subscribing, might, under a pres-



sure of financial difficulties, be sold at a most ruinous sacrifice, and whilst the people would be called upon to pay the interest and principle of the face of such bonds, the amount realized to apply to their favorite project, might not reach fifty cents to the dollar. This power to subscribe never should be exercised by municipal corporations, unless the interests of the people represented by such authority are directly and certainly identified with the project on which the money is to be expended. The operation of the principle may be equitable when applied to the people of a town or city, whose interests are identical, but when applied to those of a county, it may not be so. On the contrary, it may prove most unjust and oppressive, subjecting them to burthens in the shape of taxes for the construction of a public improvement from which they may never realize any benefit, either direct or remote. The people in one section of a county may derive benefit from the construction of a public improvement, while those of another section, equally taxed for the payment of the principal and interest of the debt so contracted, may possibly realize no benefit at all. And in reference to all other corporations, such subscriptions should be clearly consistent with the purpose for which such corporation was originally created. A sister State, within whose limits it is proposed to expend a portion of the proposed subscriptions, has had some experience on this subject, the result of which is recorded in a constitutional prohibition of all such municipal subscriptions, even if authorized by a direct vote of the people. I have not learned what circumstances brought the State of Ohio to the adoption, in her fundamental law, of so wise a restriction on corporate action, but it is fair to conclude that the necessity for the adoption of such restraint had been fully demonstrated.

The inquiry now fairly presented, in view of all the considerations connected with this subject, is, what

policy shall we adopt for the future? It is to this point I desire to ask your attention. Assuming the principle that one corporation may subscribe to the stock of another, under proper restrictions it is nevertheless clear, that if unrestrained in its application and extension, most alarming evils may result from the practice, and there will probably be no more proper occasion than the present for the Legislature to determine upon certain fixed and unyielding limits within which its exercise should be restrained. These can best be ascertained by an examination of the evils that are likely to result from its too liberal use. The most prominent that have occurred to my mind are the following:

First. The dangerous influence that the union or political consolidation of numerous corporations, various in their objects, powers and pursuits, located in all parts of the State, actuated mainly by the motive of private gain, may exercise over the independence of the elective franchise, and the purity of legislation; as well, also, as their increased ability to infringe individual rights, and to usurp the field of personal enterprise.

Second. The creation of fictitious capital, when allowed to pay such subscriptions by loaning their credit, thereby starting an artificial and delusive enterprise, well calculated to mislead the unwary, and to result in the most injurious consequences to the people generally.

Third. Its tendency to a concentration of corporate power; thereby neutralizing many of the public advantages which may result from such grant. One corporation created for the specific purpose of public good, in rivalry with another established for a like purpose (by which rivalry the public are mainly benefited), may thus become assimilated in their interests, and act the part of one grand, unchecked monopoly, and greatly lessen the public good secured in their

original formation. An extensive exchange of stocks, and bonds, and subscriptions, must beget concert of action and interest between these institutions, which cannot fail to work infinite injury to the mass of the people.

If there is a possibility that evils of such magnitude may flow from the unrestrained application of the principle referred to, it is our solemn duty to seek for a remedy in guards and restraints to be applied where this principle is sought to be allowed. This power, in my opinion, should never be granted, even in a restricted form, except for the promotion of some great object of public good and pressing importance that cannot be reached by the ordinary mode of individual enterprise. The corporations authorized to subscribe should be specifically named—the amount of subscription limited to a moderate percentage on the property of the corporation asking to subscribe—and in case of municipal subscription, there should be a clear identity of interest between the corporation subscribing and the object to be promoted by such subscription, and the payments in all cases required to be made in cash and not in the bonds, or the evidence of indebtedness, of such corporations. I have satisfied my mind that the creation of bonds of this kind, to be handed over to a corporation to be converted to their use, without restriction as to the rates they may command in market, is a most hazardous experiment, and may be made the means of great injury to an honest and confiding people; whilst on the other hand, the subscriptions to be paid in money will be much better calculated to advance the true interests of any great public enterprise, and be greatly relieved from the evil consequence to which I have referred. Indeed, I can see no good reason why the bonds of a municipal corporation should be handed over to a railroad company at all. They cannot be used in the construc-

tion of work, but must be reduced to cash. Nor can I see why the authorities of a municipal corporation may not have this effected as advantageously as the agents of another corporation. I am confident that this policy, whilst it will not interfere with any of the advantages of such municipal subscriptions, may greatly lessen the chances of injury to the people.

There are other features in the bill herewith returned to which I cannot give my sanction. The third section is in the following terms, "That the school directors of the borough of Bridgeport, in the county of Montgomery be, and are hereby authorized to borrow a sum of money on school property in said district." This section is greatly defective in its formation; not specifying the amount of money to be drawn, nor the mode in which the school property shall be pledged, nor describing such property, nor defining the purpose for which the money borrowed shall be applied. The section is not only deficient in form, but it contains a principle which, to my mind, is highly objectionable. It proposes to pledge the school property for a debt of the school district, and thus render it liable to a judicial sale for such debt. This, it seems to me, should not be allowed. The common school system, having for its object the education of our youth, and their preparation to discharge the high and sovereign duties of American citizens, is a part of the most sacred and valued machinery of our government. If, in countries governed by power, rather than by popular intelligence, their ports, arsenals, and other bulwarks of defence are exempted from judicial sale for debts, our school houses, being mainly the means of defence and security for our country, should be guarded with equal care. As well might be sold the roads and bridges to pay the debts of a township, or the public almshouse, the court house, or county prison, for the debts of the county, as the school house



for the debts of the school district. Nor is there any necessity for such security. The whole taxable property of the district is already pledged for its debts, and the Legislature may provide that the collection be enforced in the same way as against townships and counties, or any other official mode directed against the school taxes of the district.

The fifth section of the bill erects parts of Washington township, Berks county, into a separate school district; and the sixth section provides that the qualified voters of said district, so erected, shall be entitled to elect six directors annually. This is an innovation on the general law providing for the election of two of the six directors yearly, in order to secure to the system at all times the advantages of experienced directors, and should not, in my opinion, be sanctioned. There is really no necessity for special legislation on this subject, except to regulate new districts. The law of 1849, prepared after much experience and great deliberation, is intended to establish an uniform system throughout the State. All innovations on this uniformity must magnify the difficulties of administering the system, and consequently impair its efficiency.

The 14th section provides for the election of a board of school directors for Oxford township, Philadelphia county, to consist of three members, and also for a board of a like number of the borough of Frankford; and declares that these boards shall respectively have concurrent jurisdiction in both borough and township. It was, probably, the intention of the author of this section that the six directors elected by the township and borough shall constitute one board, and have jurisdiction over both. But the section before me does not so provide. It presents the impracticable proposition of two independent boards—each having perfect power to exercise authority over the whole district.

There are other features to which there are no objections, but I am obliged to return the whole bill. This circumstance strikingly illustrates the impropriety of connecting various diversified and incongruous subjects in the same bill. And I must beg to be indulged in the remark, dictated only by a sense of duty, that I sincerely hope some remedy may be found for this growing evil. The necessity for separating bills has been greatly increased by the law assessing an enrolment tax. Some of the bills contain a number of taxable provisions. The law is not enrolled and published until the tax is paid in full. One party interested appears and makes his share of the payment; another declines to do so; confusion and difficulty ensue, which in some instances during the present session, has been cured by legislation; and thus the legislation of this year is rendered necessary to give effect to that of a former session.

The whole practice under this system demonstrates its evil tendency. The statute book, when published, is an anomaly, embracing on the same page of a law of great public importance, and one of the most trifling local character. The compilation of various subjects in the small bill very frequently embarrasses the action of the legislator, and secures the success of a doubtful proposition which would fail if presented on its own merits alone.

WILLIAM BIGLER.

Executive Chamber, Harrisburg, March 1, 1852.

To the Assembly Vetoing "An Act Supplementary to an Act Incorporating the Subscribers to the American Fire Insurance Company."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, BILL No. 50, entitled "An act supplementary to an act incorporating the subscribers to the American fire insurance company," without my approval.

The third section of this bill provides, "That from and after the passage of this act, the said American fire insurance company shall be, and they are hereby authorized to purchase, hold, and convey real estate, whether as security in payment of debts or otherwise, and that all the provisions of the charter restraining the same, be, and are hereby repealed: Provided, That the clear yearly income on said real estate shall not exceed ten thousand dollars."

It will be readily perceived that the privilege granted by this section is of a most extraordinary character, clothing this company with almost unlimited power to buy and sell real estate, whether taken in security for debts made in the pursuit of their legitimate business as an insurance company, or otherwise. The proviso would restrain them in the amount of property they might hold, but it is clear that it would not prevent them from buying and selling to any extent. I can hardly imagine that this old and highly respectable company can desire at this day to branch out in new business so foreign to their original purpose. The right to take property in security for debts and to convey the same, is all they should desire, and this might be safely granted, but the power proposed to be conferred by this section is much more general than is necessary to the accomplishment of the legitimate ends of this corporation.

WM. RIGLER.

Executive Chamber, Harrisburg, March 2d, 1852.

To the Senate Vetoing "A Further Supplement to the Act Incorporating the Pittsburg and Erie Railroad Company."

Senators:—

**B**ILL NO. 205, ON THE FILES OF THE SENATE, entitled "A further supplement to the act incorporating the Pittsburg and Erie railroad company," was presented to me on the 27th ult. for my approval. After a careful examination of its provisions, I have concluded to return the same to the Senate, in which it originated, with my objections.

The first section of the bill authorizes municipal and other corporations to subscribe to the stock of said company, and to make payment in money or in the bonds of such corporation. A further examination of this subject has greatly strengthened me in the conviction that a power so extensive may be made the means of great wrong to those people who are represented by the municipal corporations so subscribing. Certainly, all the benefits to be derived from such subscriptions may be secured under restrictions, which will, in a great measure, lessen the chances of evil; and is so, does not public security demand their adoption? Doubting the wisdom and ultimate success of this system of constructing public improvements, I cannot think of yielding these necessary restrictions. The corporations authorized to subscribe should be specifically named—a maximum percentage on the assemblage property represented by such corporation, fixed as the limit of the subscription—and where payment is authorized to be made in the bonds of the respective counties, the railroad company should be prohibited from disposing of such bonds at less than par value. The people of the counties authorized to subscribe, should have time to deliberate on the subject, and exert their proper influence over the



actions of their agents in making the subscriptions. As a general rule, the necessity, as well as the payment of the expense of erecting bridges by county commissioners, is submitted to the action of the grand jury of the proper county for approval; and if, in this case, such peculiar care is necessary in guarding the interests of the people, it is, in my opinion, doubly so, where it is proposed to subscribe a large sum for an unusual purpose.

The message which I had the honor to transmit to you a few days since, in reference to the Pennsylvania and Ohio railroad company, contains my views on this subject, and I most respectfully refer you to it for a more general explanation of the considerations which have induced me to withhold my approval of this bill.

WM. BIGLER.

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To the Senate Vetoing "An Act to Incorporate the Odd Fellows' Hall Association of Selinsgrove, in the County of Union, and to Authorize the Town Council of Lewisburg to Sell Real Estate."

Senators:—

AFTER A VERY DELIBERATE CONSIDERATION of Bill No. 78, on the files of the Senate, entitled "An Act to incorporate the Odd Fellows' Hall Association of Selinsgrove, in the county of Union; and to authorize the town council of Lewisburg to sell real estate," I have arrived at the conclusion that a portion of its provisions is not within the range of the power of the Legislature, and therefore, agreeably to the Constitution, I herewith return it to the Senate, in which it originated, without my approval.

My objections are to the seventh section, which provides, "That the town council of the borough of Lewis-

burg, Union county, be, and are hereby authorized and empowered to sell and convey, in fee simple, to Peter Beaver, of said borough, for such price as they may deem just, a lot of ground, five fee in breadth, extending along the whole of the front of lot No. 4, fronting on Market street, in said borough, deed to be signed by the town council, or a majority of them, or by the chief burgess: Provided, That in case the said council shall determine to sell, and they and the said Peter Beaver cannot agree as to the price, then each party is to appoint a man to fix a price, and if the men so appointed cannot agree, the said two men shall appoint a third man, and the decision of a majority of them shall be final."

It seems that the town of Lewisburg was originally laid out by the then proprietor of a tract of land, on which the town has since been built, and that at the crossing of Market and Lewis streets, the four corner lots fronting on Market streets did not extend to within five feet of the front line of the other lots in the four several blocks of lots to which said corner lots respectively belonged—leaving a larger area of streetway in this portion of the town, and intended thereby to combine beauty with the enlarged public easement or highway. Subsequently a very large number of lots have been sold and re-sold, until held by the present owners, and upon which are now erected many valuable buildings.

This bill proposes to authorize the borough to convey "in fee simple to Peter Beaver," that portion of the public street or sidewalk, five feet in width, in front of his lot No. 4 (one of these corner lots), which, by the original plan, lies between the front line of his lot, and an extension of the front line of the adjoining lot, parallel with the front line of Mr. Beaver's lot. In other words, it proposes to have conveyed to Mr. Beaver, for his private use, this portion of the public street, dedicated by the original pro-

prietor to public use, in which all the other lot owners within the original plot have private rights; in which the original proprietor, or his heirs, or devisees, or others, own the fee in the land, and in which the corporate authorities have no right whatever, except as the guardians of the public right of way over the same.

In order to determine whether the provisions of this section are in derogation of the private rights of others, it is only necessary to advert to what rights exist in a public street in a town laid out by the original proprietor, and dedicated to public use.

When a proprietor of land thus lays out a town plot, he thereby covenants with the public that all the public streets and squares shall remain for the use of the public, when opened, and of the several owners of lots, in common with the public at large.

There are, then, three distinct interests in the streets.

First. That of the public, limited to the mere easement or use of them, as highways.

Second. That of the lot-owners, as easements and means of access and regress to and from their respective lots.

Third. That of the original proprietor, or those claiming under him, to the fee in the soil, subject to the easements of the public, and of individual lot-owners.

Over the first of these interests, that of the public for a highway, the Legislature, as the representatives of the public has some control. It cannot, from its very nature, be conveyed away for mere private use; but its objects may be promoted under the care of the corporate authorities of the borough, or otherwise, as the Legislature may direct. It may, also, be abandoned, or so far as regards the public at large, the street be declared vacated. Still,

however, the right of way, or easement of private property-holders continues.

A release by a portion of the lot-holders, even of those adjoining and most interested, and embracing a large majority of the whole, will not affect the rights of the others. Each and every lot-holder within the original town plot, has a right, as appurtenant to his own property, to insist upon maintaining as ways, each and every street in the original plot, and this right is a vested right which the Legislature has no power to divest, unless taken for public use, under the conditions prescribed by the Constitution.

An obstruction of this easement the public may abate, or prosecute those who created or maintained it, by indictment.

In addition to this, each individual lot-holder affected, has his remedy by civil process at law.

The right of the original proprietor, or those claiming under him to the fee in the soil, becomes a perfect title to the whole upon the relinquishment of the public right of way by the public, and of the private easement thereon by the holders of it. This may pass to the holders of the adjoining lots, or not, according to the condition of the grant of the lots. But to it the public has no right, and the Legislature cannot authorize its conveyance for private purposes.

The purpose to convey this fee, including the right of the lot-holders to the easement therefor, clearly contravenes the provision in the ninth section of the ninth article of the Constitution of this State, that no one shall "be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land." I cannot, therefore, give this bill my sanction.

The section proposes to authorize the conveyance of this ground to Peter Beaver, the owner of the adjoining lot. If the Legislature can authorize its sale to



Mr. Beaver, it can do so to the highest bidder, on the same principle. Suppose the bill had directed the latter course, and a third person should purchase this ground? Mr. Beaver would then, most likely, invoke, more than any other, the aid of the Constitutional provision I have adverted to, which guarantees his rights as well as those of his co-lot owners. If the Legislature may authorize the corporate authorities of the borough to sell this lot for private purposes, on the same principle it could authorize the sale of any and all the public streets and squares of the borough, and thereby almost entirely destroy the value of its improvements.

I beg leave here to suggest that all legislation affecting private rights, cannot be too cautiously exercised. The parties interested, oftentimes have not the opportunity of being heard. The facts are presented, frequently, in a partial and imperfect manner, and those affected by such legislation, in many instances, are forced to submit to a deprivation of their just rights, or be involved in vexatious and costly litigation. The Legislature can, in no case, change the rights of parties in private property, or divest them, unless when taken for public use, upon compensation being made, as provided for in the Constitution. I am aware that the Legislature has heretofore gone to a considerable extent in the enactment of laws affecting private property, under what would appear to be the purpose of settling and determining the private rights of parties, and this has probably been encouraged by the former recognition of the doctrine by our Supreme Court, that the Legislature possessed power partly legislative and partly judicial. This I have always regarded as a dangerous doctrine, and am gratified that the Supreme Court, in two recent decisions, *Greenough vs. Greenough*, 11 State Reports, and *De Chastelleux vs. Fairchild*, 15 State Reports, have de-

nied its correctness, and maintained that the Legislature possesses only legislative power, and none judicial. This strict construction of the Constitutional powers of the Legislature, avoids some of the dangers of latitudinarian heresies, makes the powers to be exercised more plain and easily understood, while the people are better guarantied the enjoyment of those reserved rights not necessary to be surrendered for any purposes of good government.

WM. BIGLER.

Executive Chamber, Harrisburg, March 10, 1852.

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To the Assembly Transmitting a Delaware State Document Concerning Fisheries in the River Delaware.

Gentlemen:—

**I**N ACCORDANCE WITH A REQUEST OF THE Legislature of the State of New Jersey, made known to me by a communication from the Governor of that State, under date of the 17th of March, inst., I herewith transmit to you a copy of an act of that body in relation to the “fisheries in the river Delaware.” As this act is not to be “considered valid or operative” in that State, “until the Legislature of Pennsylvania shall approve of the same,” I may be allowed to express the hope that you will give the subject that prompt consideration which courtesy to a sister State would seem to require, and take such action thereon, as, in the wisdom of the General Assembly may seem necessary and proper.

WM. BIGLER.

Executive Chamber, Harrisburg, March 19, 1852.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:—

I HAD INTENDED, IMMEDIATELY AFTER MY induction into office, to communicate with you on the subject of the public debt, and to exhibit the actual financial condition of the Commonwealth at that period. After the necessary examination, however, I discovered that I could not do so with that precise accuracy which should characterize the statements of an official communication. There are outstanding debts on the public works, unpaid claims, and balances of appropriations for last year, the amount of which could not be ascertained in time for this purpose. I am therefore, I regret to say, compelled to forego the performance of this duty, until the meeting of the next Legislature. I cannot, however, refrain from expressing the views I entertain, and the anxiety I feel on a few subjects connected with the financial and other affairs of the State.

There is now due and unpaid two millions four hundred and ninety-one thousand two hundred and fifty-five dollars of the bonds of the Commonwealth, bearing an interest of six per cent., and a balance of near one hundred thousand dollars due to domestic creditors, bearing a like rate of interest, besides one million three hundred and ninety thousand, at five per cent.; over two millions will fall due in 1853, and about three millions in 1854.

I respectfully suggest to the Legislature the propriety of making provision for the cancellation of these matured bonds, and such as may fall due during the coming year, by authorizing the State Treasurer to negotiate loans for that purpose, and issue the bonds of the Commonwealth, re-imbursable at the expiration of ten or fifteen years, at a rate of interest not exceeding five per cent., with interest certificates attached,

or in the usual form as may be deemed proper. The present reduced rates of interest in Europe, and the abundance of money in the principal cities of this countries, affords ample assurance that such loans can be negotiated at a rate of interest much below that which the State is now bound to pay on these matured bonds. I am fully satisfied, by information which has reached me through private as well as public sources, that the bonds of the State exempted from taxation, could be negotiated at such rate of interest, as to amount to a very desirable saving to the Treasury. It is not so much the present rate of tax on the bonds that would injure the value of new ones, as the sensitive apprehension entertained by capitalists, that such rate of taxation might, at some future time, be increased. Besides these inducements to cancel the matured bonds, we should not forget that it is not befitting a great and prosperous State like Pennsylvania, to have a matured and unpaid debt resting upon her. Such a state of affairs is not consistent with her dignity and her pride, and is well calculated to have an injurious effect upon her credit. Her ability to pay cannot be doubted, and the fidelity with which her people have ever responded to every reasonable demand to sustain her credit, has excited unlimited confidence in her integrity amongst the capitalists of this country and Europe. I therefore, most respectfully, submit this subject to your consideration.

The receipts into the Treasury for the year 1851, deducting the temporary loan of \$98,200, amounted to \$4,472,393.93, and the expenditures for the same year to \$4,780,667.53, or \$308,363.40 more than the whole receipts. In this expenditure is included \$185,138.91, which was paid to the Commissioner of the Sinking fund, and cannot, therefore, be properly regarded as an expenditure, as it was used to cancel a like amount



of the funded debt, leaving an actual balance against the Treasury of \$123,225.49.

After full consultation with the financial officer of the State, and a careful examination of the data which he has kindly placed within my reach, I have arrived at the conclusion, that the receipts and expenditures for the current year may be estimated as follows, to wit: Receipts, \$4,325,000; expenditures, \$4,027,000, leaving a balance of receipts over expenditures of \$298,000, including in this expenditure an estimated payment to the Commissioners of the Sinking Fund of \$220,000. But it should be observed, that in the expenditures for last year, there is included the sum of \$442,196 applied to the North Branch canal, and \$30,000 for the inclined planes on the Portage road and the Western reservoir, making in all \$472,196 expended on new work during the last season. It will be seen, however, by reference to the State Treasurer's report, that the balance in the Treasury on the first of December, 1850, was \$754,252.81, whilst at the same period of the year 1851, the balance was but \$543,979.21, being a difference against the Treasury for this year, of \$210,252.60, which sum, together with the \$300,000 of temporary loan, to be paid out of the receipts of the present year, amount to \$510,252.60, being \$38,155.60 more than all the payments for new work, and on this data the balance in the Treasury at the end of this year is reduced to \$259,844.40. Thus it will appear, that should no accident occur to the public works during the present season, we may reasonably anticipate a surplus of revenue of between two and three hundred thousand dollars. Should the improvements, however, be visited by any thing like the extent of damage which befell them during the last year, this balance would be reduced to a sum too meagre to deserve notice. It is, therefore, apparent that we cannot rely upon the surplus revenue of the Treasury dur-

ing the current year, for the means to prosecute the work of the North Branch canal and the Portage railroad with that vigor which the interest of the State seems to demand.

I remarked at the time of my induction into office that I regarded the speedy completion of the North Branch canal as consistent with the truest principles of economy. The examination which I have given the subject since that time, has tended greatly to increase my confidence in the truthfulness of that declaration. In this view, I seem to concur in opinion with my able and experienced predecessor, who took occasion to recommend this subject to the favorable consideration of the Legislature in his last annual message. The policy of resuming the prosecution of this work is no longer an open issue, and need not now be discussed. This question was settled by the Legislature of 1849; since which time about \$650,000 have been expended on the work; all of which, together with two and a half millions originally expended, and the amount of retained percentage, and the usual damages to the contractors on the abandonment of the work, must be entirely lost, unless the canal be completed.

The whole length of this improvement is ninety-four miles; fifty miles of which are fully completed, and the remaining forty-four are under contract, or ready to put under contract so soon as the Legislature may make provision for the payment of the same. According to the estimate of William B. Foster the experienced engineer on that line, \$772,000 will be sufficient to complete it; and that should the means be promptly furnished, the whole line may be brought into use in the early part of next season. Can it be doubted, for a moment, that the next annual receipts on this work will largely exceed the interest on this meagre sum? I am confident that those who have given the subject the least attention will not hesitate

on this point. I confidently believe that they will not only do this, but that they will be sufficient also to pay the interest on the \$650,000 expended since 1849, and on the two and a half millions expended prior to 1841, and leave a balance to go into the treasury besides. I need not give you my reasons, in detail, for this opinion. The data on which it rests has been presented to you in more forcible terms than I could employ. It requires but a glance at the operations on the completed part of that improvement—at the vast district of country which would be supplied with anthracite coal through the medium of this canal—the rapidly increasing consumption of this article wherever it has been brought into use—to satisfy the most incredulous mind that the tonnage on this improvement must, in a few years, be almost equal to its capacity. Some twenty-five counties of the State of New York, rich, populous, and growing, embracing a number of incorporated cities, now paying high prices for fuel, would be supplied with this article for domestic, mechanical, and manufacturing purposes; in return for which the canal would, to some extent, be freighted with salt, plaster, &c., &c. The growth of the anthracite coal business in the State is almost incredible. If we may be allowed to take this increase as a data on which to base an estimate of the future business of this canal, it will more than equal the expectations of its most sanguine friends. We can scarcely realize the fact that the operations in this article have grown from 800,000 tons in 1840, to near 4,500,000 tons in 1851, and in all probability the amount will exceed 5,000,000 for the current year!

If, then, it be so apparent that the income from this work will pay the interest on its cost and leave a surplus for the use of the Treasury besides, wise policy would seem to dictate its speedy completion. I most respectfully and earnestly urge upon you the favor-

able consideration of this subject at the earliest day possible. The time for doubt and delay, it seems to me, has gone by. This work must either be finished or over three millions of the people's money, already expended on it, must be thrown away. To depend upon the present means of the Treasury, would, I am confident, lead to vexatious and injurious delay. The sum necessary to complete it should, and, I am assured can be obtained on a loan at a rate of interest not exceeding five per cent., reimbursable at such period as the revenue therefrom shall have reached the amount of the interest and principal. I am aware that there is a proper sensitiveness in the minds of the people on this subject of borrowing money; and I am sure that I should not recommend any measure that would have the effect of increasing their burthens. But I sincerely believe that the tendency of this measure will be to lessen rather than increase them—that it is the best financial measure the Legislature can at present adopt—that its ultimate tendency will be to aid the Treasury in the liquidation of the present debt; certainly much more so than the alternative of allowing the sum already expended to be lost. The completion of this work will also give an impetus to the growth and prosperity of the northern portion of the State—would invite men and money into that rich section of the Commonwealth, and would be an act of justice to the people of that region who have ever with a true spirit of loyalty and generosity, contributed their proper share towards sustaining the honor and dignity of the State.

The importance of prompt and efficient action on this subject cannot be overrated. The citizens of the State of New York, who intend to construct the connecting link between our improvements and the Chemung canal, in that State, should have early assurance that our improvement will be completed. Business



men, who desire to operate on this line, will not make the proper arrangements to do so until ample provision is made for its completion. Every consideration of interest and economy, it seems to me, dictates prompt and efficient action on this question.

The avoidance of the inclined planes on the Allegheny Portage railroad was also commenced under the late administration, and, in my opinion, is a necessary work, and should be prosecuted to completion as rapidly as the means of the treasury will permit. It is an important link in our main line of improvements, and has ever been (and unless the planes are avoided, will continue to be) a source of heavy expenditure, great delay, and danger in the transportation of tonnage. The annual expenditures to keep these planes in order has been extremely heavy. It is estimated that near a hundred thousand dollars would be saved yearly in the expenses of this railroad were the use of the planes dispensed with. One hundred and seventy-five thousand dollars were appropriated for this purpose by the last Legislature. The old material on the road is counted at a value of \$248,650. This, with the additional sum of \$591,350, it is estimated by Mr. Faries, the engineer on that line, will accomplish this desirable end. I am also assured by the same officer, that with the necessary appropriation, four of the ten planes may be avoided during the coming season. In connection with this subject, I need scarcely remark, that our main line of improvements is about to encounter a most powerful rival for the tonnage of the West in the Pennsylvania railroad, which work will probably be completed during the year 1853. The avoidance of the planes will do more, I am confident, to strengthen the main line against this competition than any other improvement that can be made. I respectfully recommend this subject to your favorable consideration.

The absolute necessity for the expenditure of large sums of money to complete the improvements to which I have referred, will, I am confident, admonish you of the propriety of confining the appropriations to the lowest possible point that the public service and the interests of the State will permit, including nothing for which she is not legally and morally bound to provide. Rigid economy in the expenditures is indispensably necessary to sustain the credit of the State, fulfil the engagements she has already made, and meet the reasonable expectations of the people. The public improvements of the State are one of our principal sources of revenue, and should, at all times, receive the special care of the Legislature. Every proper effort should be made to increase the receipts and lessen the expenditures on these works. I have not had the opportunity of giving the subject of their management that thorough examination which is indispensably necessary to the formation of a correct opinion in reference to the details of their operation; but I have long entertained the opinion that no action of the Legislature could have a more salutary effect upon their management than the adoption of the cash system in paying for the labor and materials necessary to keep them in successful operation. It is, in my opinion, to the loose system of contracting debts now in practice, as much, if not more, than to any other defect in the present policy, may be attributed their failure to meet the expectations of the people as a source of revenue. The most vigilant efforts of the officers could not prevent the payment of exorbitant prices for labor and materials, if obtained on credit. The State always pays dearly for such accommodation. Besides, this custom affords the opportunity of most palpable imposition, if not actual frauds, upon the State. The very idea of a set of officers being allowed to throw the credit of the Commonwealth broadcast, to be taken

up at some future period by somebody else, is almost startling. I regard it as a most dangerous policy, calculated to beget a spirit of careless prodigality in the management of public affairs, and to incite impositions upon the treasury. It should, in my opinion, be abandoned at the earliest day possible. I, therefore, respectfully suggest the propriety of fixing a period by law, after which the officers on the public works shall not be allowed to contract debts for any purpose whatever, directing the disbursing officers to make monthly statements of their accounts to the Canal Commissioners, showing the amount of money disbursed and the materials purchased, and requiring all outstanding accounts to be presented to the Canal Commissioners or Auditor General for settlement. Under a cash system, the actual indebtedness of the State could at all times be readily ascertained, which would be a great convenience for the Legislature, as well as a satisfaction to the people. In the introduction of a new system of this kind, care should be taken to place at the command of the proper officer the necessary means to carry it into operation.

It might be well, also, to take some action on the subject of claims for damages incurred in the construction of our public improvements. This subject should be finally disposed of. Although many years have passed by since the construction of these works, every year brings out some new item of this kind. Much of the time of the Legislature, and the Canal Commissioners, is occupied in the examination of these claims, and for the last ten or twelve years they have absorbed the means of the Treasury to the extent of from fifty to eighty thousand dollars annually. I am informed that claims are now being pressed for damages, which, it is alleged, the Commonwealth incurred more than twenty years since. It must be a most difficult task for the Canal Commissioners to ascertain

all the facts in cases so long deferred. I suggest the propriety of disposing this subject by some summary mode of proceeding.

In conclusion, I beg to be indulged in a suggestion on the subject of special legislation. I am confident that the General Assembly will agree with me, that some reform on this subject is much needed. The volumes of our laws for the sessions of 1850 and 1851, compared with those of previous years, show that our legislation is increasing to an alarming degree. By reference to these volumes for the years I have named, it will be seen that but a comparatively small portion of the laws they contain are of a general character, being mainly for local or private purposes. These volumes, when compared with the statutes enacted eight or ten years since, or with those annually enacted by Congress, or any of our sister States, swell into an astonishing magnitude. This evil is on the increase, and it seems to me that a remedy is imperiously called for. Much may be done to arrest this evil by the adoption of a few well digested general laws. For the purpose of attaining this desirable end, I respectfully suggest for your consideration the propriety of constituting a commission of two or three experienced legal gentlemen, whose duty it shall be to prepare general laws to meet this object, to be submitted to the consideration of the next Legislature. I know from experience how difficult it is for the representatives of the people, after their arrival at the seat of government, to find the necessary leisure and privacy to enable them to prepare and digest intricate general laws. Each day seems to bring its labors upon them, and the session runs by before a subject of this kind can receive the necessary consideration.

The subject of regulating election districts, naming election houses, which annually occupies much of the time of the Legislature, and many pages of the Jour-



nal and Statute Books, might be safely confided to the commissioners of the respective counties.

The subject of divorces should, it seems to me, be left entirely with the courts; as well, also, as the whole subject of selling real estate by trustees, guardians, and those acting in a representative capacity. These measures, together with a few more general statutes, on the subject of corporations, would, I think, have a most salutary effect on legislation. As far as possible, our laws should be general; and those that are so, should be sternly maintained against special innovations.

WM. BIGLER.

Executive Chamber, Harrisburg, March 25, 1852.

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To the Assembly Vetoing "An Act to Incorporate the Charlestown Silver Lead Mining Company."

Gentlemen: —

I REGRET EXTREMELY TO BE OBLIGED TO differ with you in reference to the passage of bill No. 378, on the files of the Senate, entitled "An Act to incorporate the Charlestown silver lead mining company." A sense of duty constrains me to withhold my approval of this measure; and therefore, agreeably to the terms of the Constitution, I return it to the Senate, in which it originated, with my objections.

This bill proposes to incorporate three individuals, their "associates, successors, and assigns," into a "body politic and corporate," for the purpose of conducting the business of "mining, selling, and smelting lead, copper, and other metals and minerals, except iron," with power to lease or purchase real estate in the county of Chester, not exceeding five hundred acres.

The capital stock of said company is to be two hundred thousand dollars, on which a tax of one per cent. is to be paid into the State Treasury, in annual instalments of five hundred dollars each; letters patent to be issued by the Governor on the payment of the first instalment of five hundred dollars.

If this bill, in its general character, was founded on correct public policy, its details I am confident are not such as the General Assembly would, as a general rule, desire to employ in creating institutions of this kind.

The capital stock of this corporation is to be two hundred thousand dollars, and on the payment of one instalment of the tax on its capital, the Governor is directed to issue letters patent, without requiring any portion of such capital to be subscribed and actually paid. Thus would be fully constituted an artificial body, with a nominal capital of two hundred thousand dollars, and possibly, an actual capital of not one cent. It has been usual in creating the most ordinary corporations for public purposes, such as making roads and bridges, to require a certain portion of the stock to be bona fide subscribed before the issuing of letters patent. How much more cautious should we be in the creation of corporations, such as is contemplated by this bill, which are to be conducted solely with a view to private gain, and which are quite likely to gain the confidence and credit of the unwary to a dangerous extent, from the circumstance of being an incorporated company, and from the ostentatious appearance of the capital. No set of individuals should be allowed to avail themselves of corporate franchises, without first investing the necessary capital to conduct their business efficiently, and thereby, to some extent, protect the interests of the public.

But this bill in its main purpose, involves a great question of public policy, which is entitled to the

serious consideration of the Legislature. It is that of granting corporate franchises for the purpose of facilitating the ends of private gain, and imposing only a limited liability on the parties interested, a liability to the extent of the capital stock they may actually pay in, and not for the debts which may be subsequently contracted by such institution. Why should such privileges be desired, and why granted? It is alleged that objects such as are looked to in this bill, are of a hazardous character, requiring a greater amount of capital than individuals can usually command; that the association of capital in an ordinary business firm, or on the principles of our limited partnership law, are attended with inconvenience for the want of efficient organization and united legal action. That in the event of the death or withdrawal of a member of an incorporated association, holding real and personal estate, the operations of such institution are seriously embarrassed, if not entirely stopped. So far as the hazards of the business are concerned, I am confident that you will agree with me, that this reasoning is not founded in correct principle, and is not entitled to favorable consideration. If it be hazardous, and therefore likely to result disastrously, upon whom should such damage be made to fall? Certainly it will not be claimed that the losses should fall upon the public, upon innocent and unwary parties, and the profits go into the pockets of the corporators. It seems far more reasonable, that those who are to enjoy all the benefits should bear the losses; that those who enjoy the privileges should take the responsibilities. Besides, if the business be precarious, and requires the investment of a large amount of capital, it is the less liable to rivalry and competition, and therefore the most profitable when the exigencies which make it dangerous are avoided. The uncertain nature of an enterprise may, it is true, restrain cap-

italists from investing largely in it, in consequence of which, the members of the association may become very numerous, and on this ground, and this only, their claim to special legal organization receives strength. However hazardous the business may be, corporate and special privileges should not, on that account, be to freely granted, with but a limited liability of those who are to enjoy all the benefits. The laborer, miner, and the mechanic, in the employ of such corporations—the farmer and merchant who may furnish the materials for its use, should be secured for the price of their labor and material under all circumstances, so far as the corporate and private means of the parties interested can do so. I am aware that it is alleged capitalists will not associate their means if they are to be liable to a greater extent than the amount of capital paid in; but I have not been entirely convinced that this idea would be sustained by experience, nor am I satisfied, that if this position were clear, it is the true policy of the Legislature to go farther to invite such concentration. It is but a few years since it was extensively believed, that banking capital could not be associated on the principles of individual liability. But this opinion has been dispelled by a very short experience, and the salutary consequences have been made manifest; not so much in the ultimate security of the note holder, in case of a failure of these institutions, as in the care and vigilance which it has excited amongst the stockholders and directors. So it would be, I have no doubt, when applied to corporations for purposes such as are contemplated in this bill. For the apprehensions entertained by capitalists, that their private estates might become involved for the current debts of such corporation, there is a very simple and safe remedy—and that is to make no such debts—to forbid it by the laws of the institution—to have all their business transacted on the cash



system, by which means they would give the greater safety and efficiency to their operations. The New England manufacturing associations practice the system of cash payments for labor and material, and their operations have been far more safe and wholesome than they could have been on a one of loose credit. Individuals who cannot command the means necessary to conduct the business of such corporations safely and efficiently, would do wisely for themselves and the public not to attempt it at all. One salutary effect of this policy would be, that whilst it could not prevent the concentration of capital for legitimate and proper purposes, under well defined corporate privileges, it would save the public from the imposition resulting from unwise and imaginary schemes.

So far as corporate privileges are claimed on the ground of the inconvenience which results to an ordinary association composed of many partners, on the death or withdrawal of one of the members, its force must be acknowledged, and to the extent therefore, that this convenience can be given to facilitate wise and necessary purposes, not to be attained by individual means or the association of capital on the principles of an ordinary business firm, it might, perhaps, be given for a limited time on the principles already discussed, without public injury or improperly inviting a wrong policy. But is it, in any measure, necessary to create artificial bodies for purposes which individuals or ordinary business associations can accomplish? The whole experience of our country is against such policy. These ends have been attained much more successfully by individuals than by incorporated companies. Individual efforts are, comparatively speaking, always most efficient. Personal enterprise begets energy, pride and ambition—it involves character more closely, and stimulates to greater efforts for success.

I would not be understood, from my objections to this bill and similar measures which have been before me, as being in any degree insensible to the importance of the development of the mineral resources of the State—efforts to accomplish this should be regarded with peculiar favor, and facilitated, so far as this can be done, by proper legislation. It stands next in importance to our great agricultural interests, and I look to the development and refinement of the hidden treasures with which this highly gifted State abounds, as the means of immense future wealth for her people and her treasury. It should be observed also, that the business of smelting ore, one of the pursuits looked to in this bill, is a new enterprise in this country, and is of a somewhat scientific and intricate character; but the business of mining has long been successfully pursued by individuals. In England as in this country, iron and coal are principally mined by individuals. But the more valuable minerals, which lie deeper in the earth and are the more difficult to develop, which abound extensively in the district of Cornwall and Devon, are generally worked by associations formed under a general law of Parliament, which seems to be intended merely to meet the difficulties arising from the great number and instability of the partners; but I do not learn that these general laws of Parliament confer any other advantages on the corporators. The current business is transacted entirely on the cash system, and consequently these institutions make no debts, unless it be to borrow money on the pledge of the corporate property.

Whatever legislation the General Assembly may deem wise and necessary to encourage the concentration of capital—to promote the prosperity of the State, should, in my opinion, as far as practicable, be general in its character. Special acts of incorporation to hold large bodies of real estate, should be avoided as

much as possible. Such is not the policy of our country, the tendency of such measures is against the genius of our institutions—establishes and perpetuates large landed estates, and consequently creates an extensive dependent tenancy—defeats the natural distribution of property, thereby contracting the field operation for the industrious and enterprising, and has to some extent the effect of the old English laws of primogeniture. Corporations should not, therefore, it is apparent, be allowed to monopolize large bodies of real estate, nor to enjoy their franchises for a great length of time.

In a message which I sent to the House of Representatives on the 12th inst., returning to that body "An act to incorporate the Phoenixville silver and lead company," I gave my views at length, nearly all of which are applicable to the bill herewith returned. To these I most respectfully refer you for a more general explanation of my sentiments on this subject.

WM. BIGLER.

Executive Chamber, Harrisburg, March 29, 1852.

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To the Senate Vetoing "An Act to Incorporate the Wheatley Silver Lead Mining Company."

Senators:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 347, on the files of the Senate, entitled "An Act to incorporate the Wheatley silver lead mining company," without my approval.

This bill, in its purposes and details, is precisely similar to that entitled "An Act to incorporate the Charlestown silver lead mining company," returned to

the Senate on yesterday. My objections are therefore the same, and to these I most respectfully refer you.

WM. BIGLER.

Executive Chamber, Harrisburg, March 30, 1852.

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To the Senate Vetoing "An Act \* \* \* \*  
Relative to the Jurisdiction of the Courts of Wayne  
County in a Certain Case \* \* \* \*."

Senators:—

**I** REGRET EXTREMELY, THAT A CONSTITUTIONAL objection to the twelfth section of bill No. 424, Senate file, entitled "An Act to incorporate the Odd Fellows' hall association of Pleasant Mount, in the county of Wayne; appointing commissioners to run the boundary line between the counties of Wayne and Pike; relative to the jurisdiction of the courts of Wayne county in a certain case; to Salem school district, in said county; to the duties of deputy surveyor, in Blair county; repealing the fifth section of the supplement to the charter of the Tremont and Mount Eagle railroad company; and relating to the Hibernia Greens," constrains me to return to you said bill without my approval.

The twelfth section proposes to authorize the Court of Common Pleas of Wayne county, to set aside the sheriff's sale of the property of Curtis E. Lamson, and open the judgment, under which his property has been sold, and to let him into a defence. The facts of this case, so far as material to the present purpose, as ascertained from undoubted sources, are, that in December last, the real estate of Mr. Lamson was sold;



a sheriff's deed executed, duly acknowledged, and delivered to the purchaser, who has paid the whole amount of the purchase money. Under this state of facts, it follows, that whatever interest of Mr. Lamson in the real estate sold, that was bound by the lien of the judgment upon which the execution issued, passed to the purchaser at sheriff's sale, and became completely vested in him, unless there was fraud on the part of the purchaser, or defects in the proceedings that made the sale absolutely void. Whatever estate, in fact, vested in the purchaser by sale, cannot be divested by any subsequent legislation, proposing either directly to do so, or to confer such authority on the courts, and it is therefore in contravention of the provision in the Constitution, that no one "can be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land."

If the sale, for any cause, was void, and passed no title to the purchaser, he has a right to join issue on any state of facts involving this question, and demand his trial by a jury of his country. To test the validity, not regularity of this sale, no legislation is needed, nor can the relative rights of the parties now be changed. An application to set aside a sheriff's sale, is always within the discretion of the court without referring the facts to a jury, so long as such applications are made before subsequent rights of parties based thereon, have attached. In such cases, such applications come too late so as to affect such rights. In the present case, the purchaser of Mr. Lamson's property has a vested right to whatever title passed by the sale. If there was fraud on the part of the purchaser, or from other cause, the sale was void, of course no title was passed, and Mr. Lamson is still the owner of the property, and may contest the validity of the sale in an action to dispossess him, or to

recover the possession of the same, if he is out of possession.

WM. BIGLER.

Executive Chamber, Harrisburg, April 7, 1852.

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To the Senate Vetoing "An Act to Incorporate the Odd Fellows' Hall Association of Selinsgrove, in the County of Union, and to Authorize the Town Council of Lewisburg to Sell Real Estate."

Senators:—

I HEREWITH RETURN TO YOU, BILL NO. 472, Senate file, entitled "An Act to incorporate the Odd Fellows' hall association of Selinsgrove, in the county of Union; and to authorize the town council of Lewisburg to sell real estate," without my approval."

My objections are to the seventh section, the provisions of which are the same as the seventh section of bill No. 78, Senate file, which I returned to the Senate on the tenth of March last, except only, that the assent of the adjoining lot-owner is required before the conveyance contemplated to Mr. Beaver, can be made. This change in the terms of the section does not remove the difficulties that presented themselves to my mind in the way of the former bill, as insuperable; and I deeply regret that they are of such a character, and therefore, to constrain me to return the present bill.

In my message of the tenth of March last, I stated substantially, that there were two interests of a private character which the Legislature, under the Con-

stitution, could not divest, and yet, which it is proposed so to do by this bill. That of the naked fee in the soil, and of the private right of way or easement vested in each and every one of the individual lot-owners within the original town plot. Subsequent reflection and examination has but confirmed me in the correctness of these views, and for their more extended statement, I beg, respectfully, to refer you to that message.

WM. BIGLER.

Executive Chamber, Harrisburg, April 9, 1852.

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To the Senate Vetoing An Act in which is included a Section Prohibiting the Commissioners of Montgomery County from Expending Money in the Erection of a New Court House.

Senators:—

**B**ILL NO. 395, ON THE FILES OF THE SENATE, entitled "An Act to authorize the supervisors of Springfield township to subscribe to the capital stock of the Wissahickon turnpike road company, and for other purposes," was presented for my approval on the seventh instant.

The fourth section of this bill provides, that from and after the first day of May next, the treasurer of the county of Montgomery shall pay no warrant drawn on him by the commissioners, except for the pay of jurors and witnesses, unless such warrant be first examined and approved by the auditors of said county.

The fifth section declares, "that the said county commissioners are hereby prohibited from expending any

further sum or sums of money in the erection of a new court house in said county, until the year 1854."

Since this bill has been presented for my consideration, I have been called upon by one of the commissioners of said county, who presented various official papers touching this subject, for my examination, from which I learn the following particulars, to wit:

That in 1849, at the February term of the court, the grand jury of said county ordered the erection of a new court house. The grand jury, at the May term of the same year, concurred in this report, with the additional order for a new jail also; and the grand jury at the August sessions endorsed and confirmed this recommendation, and in all of which the court concurred and co-operated. In accordance with the instructions thus given, the county commissioners proceeded to make the necessary arrangements to erect said building. They employed an architect, who furnished the drawings and specifications for the same, and in February, 1851, a heavy contract was entered into by the county with Mr. Francis Derr, to prepare, furnish, and put up the marble work for the whole building, under a penalty of ten thousand dollars for neglect or failure. In July of the same year, proposals were issued, and the contracts for brick, lime, carpenter work, &c., were given to the lowest bidders. The building was commenced last year, and constructed several feet above the surface of the ground, and an expenditure made of some \$20,000. During the winter the several contractors and mechanics have been busy preparing the material to carry on the work, and a heavy amount is now ready. In these several contracts, the commissioners are bound to pay certain proportions monthly, or a certain percentage on the material when delivered.

The only effect that the bill under consideration can have, would be to deprive the county commissioners of



the means of filling these obligations. Such legislative interference would most certainly force a violation of the contracts made between these parties and the county commissioners, and is therefore in clear contravention of the second article, tenth section of the Constitution of the United States, which declares that no State shall pass laws impairing the obligations of contracts. These private parties have made contracts, and however unwise and improper these agreements may have been, there is no power in the Legislature to annul them without the consent of the parties themselves.

I therefore return the bill to the Senate in which it originated, without my approval.

WM. BIGLER.

Executive Chamber, Harrisburg, April 14, 1852.

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To the Senate Vetoing "A Supplement to the Act Regulating Banks."

Senators:—

**B**ILL NO. 126, ON THE FILES OF THE SENATE, entitled "A supplement to the act regulating banks, passed April 16th, 1850," has been presented for my approval.

The effect of the first part of this bill will be to take some ten or fifteen thousand dollars from the treasury annually; and the second clause makes the four and a half mill tax, imposed on the capital stock by the law of 1850, assessable on the active capital of the banks, instead of on the capital "paid in," as provided by the present laws. How far this provision would affect the treasury I am unable to ascertain, as there is nothing in the official reports of the banks to define the meaning of the term "active capital." The finan-

cial officer of this Commonwealth, it seems to me, would have no standard in his hands by which to ascertain the claim of the State on these institutions—he would be obliged to take their statement of the amount of active capital.

The existing laws are certainly very defective, and I return this bill under the assurance and confident hope that the wisdom of the General Assembly will devise another and better mode of removing these defects than is found in the bill in question. I therefore return it to the Senate, in which it originated, without my sanction.

WM. BIGLER.

Executive Chamber, Harrisburg, April 17, 1852.

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To the Assembly Vetoing Certain Bills for the Establishment of New Banks.

Gentlemen:—

**B**ILL NO. 590, ON THE FILES OF THE SENATE, entitled "An Act to incorporate the Meadville Bank," with a capital of \$100,000, has been presented for my consideration, together with others providing for the establishment of sundry new banks, to be located as follows, viz:—One at Pittsburg with a capital of \$300,000; another at Allentown, Lehigh county, with a capital of \$150,000; another at Erie with a capital of \$150,000; another at Carlisle with a capital of \$100,000; another at New Castle, Lawrence county, with a capital of \$100,000; another at Tamaqua, Schuylkill county, with a capital of \$100,000; another at Mauch Chunk, Carbon county, with a capital of \$100,000; another at Phoenixville, Chester county, with a capital of \$200,000; another at Monongahela City, Washington county, with a capital of \$100,-

000; also another, to add \$150,000 to the capital stock of the Southwark Bank, in the county of Philadelphia. Since the General Assembly has thus indicated to me their views on the subject of increasing the banking capital of the State, I have given the question in all its bearings my most anxious consideration—have contemplated the probable effects of this proposed measure upon the interests of the whole people of the State, upon the laborer, mechanic, farmer, merchant, and manufacturer, and bringing to the aid of my judgment, the lights furnished by the past experience of the country, I have arrived at the conclusion that it is my solemn duty, however unpleasant, to differ with you on this subject. To dissent from the wishes of the representatives of the people on a question of public policy, is painful to me in the extreme, but to shrink from the responsibility of performing a conscious duty, would be cowardly and criminal.

In return so large a number of bank bills without my sanction, for the re-consideration of the General Assembly, I deem it right that I should present my reasons for so doing at length, in one message, and have reference to this as applicable to these measures severally.

On assuming the duties of the Executive office, I distinctly announced that in my opinion no pretext can justify the creation of a superabundant amount of paper money, and that it was with painful alarm I have witnessed a growing disposition in the entire country to increase the use of this medium on a small specie basis, regardless of the inevitable effects of the large accessions of coin which California is furnishing to this country, and to the world. Every people should have a circulating medium as a matter of convenience, and should have whatever amount the transaction of wholesome business affairs may demand; but unfortunately we are too unwilling to stop at the proper point in the creation of this medium. That as

coin becomes abundant, it should supplant and render unnecessary the use of paper, is to my mind, the plainest teaching of common sense. Such practical effect is demanded by the true interests of the people.

The sentiments thus announced I have long entertained, and their correctness is the more confirmed by every day's experience and reflection. I should by assenting to these bills, agree practically to reverse this doctrine, and maintain that as coin becomes abundant the paper medium should be increased. This position would be so manifestly unsound that argument is not necessary to refute it.

The proposed new banks would add to the present banking capital of the State an aggregate sum of about \$1,550,000, or over ten per cent. on the active capital now in use, and thus swell the present amount of our paper circulation to the extent of four or five millions. Whilst I am not prepared to say, that at the proper time a bank might not be useful, if properly managed, at some of the points named, I have had no difficulty whatever, in satisfying my mind that there is, at this time, no real necessity for such an extensive increase of paper money, nor that, if such increase were permitted, the effect would be prejudicial to the true interests of the mass of the people, and that it would exercise a demoralizing influence upon the business affairs of the State. The immediate effect would be, I have no doubt, to enhance the nominal prices of all kinds of goods and property, by the depreciation of bank paper, stimulating thereby a spirit of wild and fanciful speculation, begetting prodigality and idleness, the legitimate fruits of an inflated currency. All violent movements on this subject are unwise, and especially injurious to the unwary citizen. Experience has demonstrated that all sudden expansions and contractions of a paper currency exercise a prejudicial influence on the real prosperity of the country. Such



sudden convulsions, it is true, are sometimes turned to the advantage of the shrewd capitalists, but the unsuspecting farmer or mechanic, enticed from his safe pursuit by the fair promises of the expansion, is crushed in his new experiment by the violence of the contraction.

If it be true that "experience teaches wisdom," and none will doubt this, the people of Pennsylvania should be wise on this subject, and a mere reference to that experience, it seems to me, should be sufficient to awaken them to the danger of the measure in question.

The consequences of a similar policy adopted in 1814, regardless of the admonitions of the sagacious and patriotic Snyder, are still remembered by some who participated in the scenes of those days, and are known to all of us as a dark page in the history of the State. Let no man flatter himself with the belief, that the same cause will not produce the same effect in the future, that it has done in the past. The country, it is true, is now inhabited by a new generation, but the nature of man has undergone no change since the days of Snyder—his impulses and objects are the same, and the laws of trade remain unaltered; and assuredly, if we rush into the errors of that day, we may justly anticipate a similar retribution. Nor is this the only practical demonstration of the danger of the proposed policy to be found in our history. Who does not remember something of the condition of affairs that existed through the whole extent of our vast country, during the years of 1834, '35, and '36. Who has forgotten the warning voice of the patriotic Jackson, admonishing the people against the consequences of an inflated currency, and an unrestrained system of credit, which then pervaded all business circles, and affected deeply domestic arrangements? But his warning was not heeded, until it was too late to arrest the evil. The great bank expansion of that period

engendered a spirit of desperate speculation, and habits of prodigality, which distinguished alike the career of States, corporations and individuals. And who can contemplate, without regret and shame, the disgrace and misery which followed as the legitimate consequence? The imaginary fortunes of individuals were dispelled as fog before the rising sun, and the meshes of the speculator were rent asunder as cobwebs before the torrent of revulsion that ensued. States, corporations, and individuals were prostrated beneath its weight—their plighted faith became a by-word and scoff, and their credit was hawked about in the market, and offered for a mere fraction of its nominal value. Whilst the unwary citizen, who had been misled by this artificial state of affairs, including widows and orphans, whose means, under the force of the delusion, had been invested in schemes purely speculative, found themselves thrown houseless and penniless upon the charity of the public. Nor is this all. The effect of extending the banking capital of this State in 1836, by the charter of the United States and other banks, from a little over fourteen, to exceeding fifty-eight millions, and its sudden reduction, in a few years afterwards, to an active capital of less than thirteen millions, was scarcely less disastrous. The consequences to our State credit—to the trade and commerce of our metropolis—to the interests of all classes of our people—and to the honor of the Commonwealth abroad, are topics too unpleasant to be discussed at this day, and I only allude to them, as so many admonitions against the tendency of the effort now making, to increase the amount of banking capital, evidently calculated to produce a somewhat similar state of affairs.

These expansions are delusive and unprofitable, and, as shown by their past history, clearly inimical to the rights and interests of labor. From an able report

made to Congress on this subject in 1840, I have gathered some very interesting facts, which speak a language that cannot be misunderstood. They are to the effect, that from 1834 to 1836 the increase of paper currency in the United States was near forty-eight per cent.—that the advance in the price of that kind of real estate which was constantly in the market was over one hundred per cent., in stocks, real and fancy, about one hundred and twenty per cent., in flour, pork, corn, &c., about sixty per cent., and in the price of labor, the source of all real wealth, but a little over sixteen per cent. But not so when the contraction comes, for then labor bears the first shock, and depreciates most severely. In every view, therefore, is a fluctuating currency, prejudicial to the interests of labor. Labor is the last thing to rise in price, and does so least with an inflation of the currency, but suffers first and most severely under the contraction. Besides, during the times of such inflation, the laborer is forced to receive his wages at the standard price of a sound currency in that which is depreciated, and purchased his necessities at the high prices consequent upon such depression. Such expansions, in addition, are adverse to the real prosperity of the country, and retard rather than advance it. The artificial growth produced by the expansion, is more than counteracted by the paralyzing influence of the contraction, and the aggregate prosperity is less than it would be were the country left to its steady natural advance.

But how clearly impoverishing is the effect of an inflated currency upon all our State and National interests, now closely pressed by foreign competition. It virtually opens our ports to invite such rivalry against all these pursuits, and no rate of Tariff that the wisdom of Congress can devise, within any reasonable limit, can counteract its influences. It greatly enhances the nominal prices of goods and commodities

in this above what they will bear in other countries, whilst, at the same time, it retards rather than facilitates their production. It thus gives the foreign producer the opportunity of manufacturing at the low rates of his own country, and selling at the inflated prices of ours, for he receives his pay, not in our depreciated paper, but in gold and silver. It is this state of the currency, more than any other feature in the policy of this country, that enables the foreign manufacturer to compete, if not undersell, the American producer in our own markets.

But where is the evidence that so large an increase of the banking capital is required? And why authorize such an increase all at one time? During the official service of my last two predecessors, covering a period of nine years, but four new banks of issue were created, and when has Pennsylvania been more prosperous than during that time? When, since first burthened by her heavy debt, did her credit stand higher? And when did the labor of her citizens reap a better reward? She has, during the whole time, stood erect, maintained her faith, and, by the proper exercise of her own inherent elements of wealth, has been steadily extricating herself from the embarrassments brought upon her by a spirit of prodigality, transfused throughout the whole country, as the consequence of the expansions of paper money, of which I have already referred.

There is now near nineteen millions of banking capital in the State, of which about four and a half millions of dollars are invested in stocks, bonds, &c., a business not necessarily connected with banking, nor contemplated in the creation of banks. This fact furnishes some evidence, that at times, there had been more banking capital than the legitimate business of these institutions seemed to require, and certainly there is nothing in the present condition of the country to justify so large an accession to our paper medium,



The present period is one distinguished for the great abundance of coin. The mines of California and Australia have recently been contributing to swell inordinately, the usual supply which other parts of the world still continue unabatedly to furnish. Money is unusually plenty in this country, and has not been so much so, nor so cheap in Europe for many years. The Bank of England now contains the enormous sum of near ninety millions of gold and silver, whilst in France and Holland there is an evident excess above the demands of business. In the United States we have a full supply, which is now being rapidly augmented by new receipts. These receipts, as I learn from reliable, though unofficial sources, by importation and coinage for the months of January, February, and March, amounted to over thirteen millions and a half, leaving in this country, after deducting all exports of specie for the same period, a balance of near seven millions of dollars. This ratio of increase would soon double and treble the whole capital of the country. And it is worthy of remark that this great increase of gold coinage is beginning to awaken the inquiry, as to what is to be the effect upon this great standard of value as compared with other coins or circulating mediums.

The effect of this superabundance of money on the business affairs of the country is already being made manifest. The signs of the times, it seems to me, indicate very clearly that we are approaching a period of more than natural prosperity resulting from the excess of money. The mania which prevails for all kinds of business, and projects of improvements which require the investment of large sums of money, is the evidence of such tendency in our monetary affairs. If then we are to take counsel from the past and the indications of the present, we must believe that this abundance of currency will of itself produce an inflation

of prices and lead to speculation and prodigality. But such artificial prosperity will be of short duration. The reaction will as certainly come as that the sun will continue to rise in the East and set in the West; and unfortunately when it does come the innocent and unwary who have made least in this game, are forced to suffer most. Is it wise then, in full view of such unmistakable indications, to hasten this state of affairs and aggravate the evil by an improvident increase of paper money? Shall we so far forget the severe lessons which have been heretofore inflicted upon this noble State? I trust not. I do not say that it may not be proper at some future time to charter new banks at some of the points in the State where it is now proposed to locate them, but I most sincerely believe, and I express this belief with the utmost deference to the views of the General Assembly, that the present is not a propitious period for an increase of banking capital. Let us first see what is to be the effect of the increase of gold coinage and the abundance of money, to which I have already alluded. It is prudent, at least, to remain on the safe side of this question. There is no danger of the real prosperity of the State being retarded for the want of paper money; and I have never known the people to suffer from such cause. Our currency is now as sound as at any other period in the history of the Commonwealth, and her prosperity and growth resulting from the energy, industry, and enterprise of her people equal to that of any of her sister States. Artificial means to improve this condition might readily produce the reverse result.

I think the aggregate banking capital of the State large enough, and that of the whole country too large—much too large for the welfare of those pursuits closely pressed by foreign competition. But the great monetary movements which at this time would seem wise and necessary, is not within the control of a sin-

gle State. If it were, I have no hesitation in saying that I should not, during my official career, sanction the charter or re-charter of any bank. It should be my purpose to reduce rather than increase the paper circulation. But a single member of this confederacy can do but little more than show a good example, and invite imitation on the part of sister States. Situated as we are, therefore, we can only make the best of circumstances which surround us—restrain the evil and promote the good so far as the influence of the State can do this.

I have not been insensible to the force of the reasoning in favor of establishing banks, in particular localities, as a medium through which to conduct heavy business transactions, and I should not object to institutions for this purpose, with all the attributes of a bank, except the right to create paper money. It is urged, also, that certain localities need what are called banking facilities, that are now without such accommodations, and that some or all of these bills are only intended to afford to such places that which has been already extended to others. I am free to admit, that there are localities thus situated, and that it is intended by the bills in question to supply some of these, and were it practicable to afford to them these facilities without increasing the present amount of paper money, or, in other words, if this end could be accomplished by taking from localities that now, manifestly, have too much, the evils of an increase of banking capital which I have suggested could not apply. But it cannot, to my mind, be justified, that any inconvenience suffered by certain localities should be regarded as paramount to the important considerations that seem clearly, at this time, to weigh against any increase of the paper medium of the State. This complaint may be gradually set at rest hereafter, should the considerations against an increase of cap-

ital continue, by refusing to re-charter banks in localities where there is an excess of such facilities, and distributing them in other quarters. But in this the utmost care will be necessary, for we have learned by sad experience that it is a dangerous policy to locate these institutions in a region of country greatly deficient in capital. I need not call to mind the numerous instances in which banks, thus located, have misled the business community by their promises to pay without a dollar in their vaults; and then exploded, to the vast injury of the people. They are so many arguments to sustain the truthfulness of this position, and nothing but my unwillingness to excite unpleasant recollections, restrains me from pointing out the particulars of some of these occurrences. But I trust they may not, on that account, escape your reflection. A bank created for the use only of these who desire to become borrowers, will not answer. The mere corporate franchises cannot give it all the elements of a good bank—the patrons of such an institution must put money into its vaults before they can draw any out. In other language, if a particular locality be poor, it will not be made rich by the possession of a bank possessing no better qualities than the right to make paper money. There must be not only a necessity for such an institution, but legitimate business and wealth in such locality to sustain it, or the probabilities are that the result will be disastrous. It is not always a good argument in favor of locating a bank at a given point, to say that it is difficult to get money at such place. That may be the very reason why public interest and safety would forbid such location. Besides, it is to this difficulty, to a great extent, that this commodity is indebted for its value. I am quite sure, that if it were made sufficiently abundant to answer the views of some political economists, it would neither be valuable nor useful. The advan-



tages resulting to the particular localities in which these institutions are found, are, as a general principle, greatly overrated. I can bring to review in my mind a vast district of the State, embracing some eighteen contiguous counties, all flourishing and prosperous, in which there is not to be found a single bank of issue, and yet I do not see that these are less prosperous than counties favored with many banks. A number of the counties within the range to which I refer, were, at one time favored with banks, but these institutions have failed and gone out of existence; and I cannot perceive that such counties are less flourishing than they were when their respective banks were in full operation. This seclusion from banks, it should be remembered, is not without its advantages. The people of such region are, perhaps, fully rewarded for what they suffer in inconvenience, by the protection they thus enjoy from the force of commercial revolutions. What they lose at a time of bank expansion, is more than made good to them by their escape from the full force of the contraction. A little reflection on the occurrences during the periods to which I have repeatedly made reference, will satisfy any one that this is no more fanciful idea, but a clear practical truth.

I have thus, gentlemen, performed what I regard as an imperative duty. Should subsequent events demonstrate that I have erred, I shall at least have the consolation to know that such error is of the head, and not of the heart.

WM. BIGLER.

Executive Chamber, Harrisburg, April 20, 1852.

To the Senate Vetoing Certain Bills Relating to  
Banks.

Senators:—

**I** HEREWITH RETURN TO THE SENATE, IN which they originated, without my approval, the following bills:

Bill No. 37, entitled "An act to incorporate the Anthracite Bank of Tamaqua."

Bill No. 122, entitled "An Act to increase the capital stock of the Southwark Bank, in the county of Philadelphia."

Bill No. 123, entitled "An Act to incorporate the Farmers' and Mechanics' Bank, to be located at Allentown, in the county of Lehigh."

Bill No. 125, entitled "An Act to incorporate the Erie City Bank."

Bill No. 283, entitled "An Act to incorporate the Farmers' and Mechanics' Bank of Phoenixville."

Bill No. 285, entitled "An Act to charter the Commercial Bank of Pittsburg."

Bill No. 407, entitled "An Act altering the charter of the Carlisle Deposit Bank, changing the name to the Farmers' and Mechanics' Bank of Carlisle, and conferring upon it the rights and privileges of a bank of issue."

Bill No. 289, entitled "An Act to incorporate the Bank of New Castle, Lawrence county."

For my reasons for withholding my signature from the foregoing bills, I beg, most respectfully, to refer you to my message of this date, accompanying the return of Bill No. 590, entitled "An Act to incorporate the Meadville Bank."

WM. BIGLER.

Executive Chamber, Harrisburg, April 20, 1852,

To the Senate Vetoing "An Act Annuling a Deed of Trust Made by Samuel Harbeson to James Kelly and Henry Moore; Authorizing the Doylestown Bank of Bucks County, to Sell Certain Stock; the Danborough and Point Pleasant Turnpike Road Company to Borrow Money; Authorizing the Trustees of the Doylestown Cemetery to Sell and Convey Certain Real Estate; Relative to Hawkers and Peddlers of Camphine in Philadelphia, and to Incorporate the Bucks County Farmers' Produce Market Association."

Senators:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 452, entitled "An Act annulling a deed of trust made by Samuel Harbeson to James Kelly and Henry Moore; authorizing the Doylestown Bank of Bucks county to sell certain stock; the Danborough and Point Pleasant turnpike road company to borrow money; authorizing the trustees of the Doylestown cemetery to sell and convey certain real estate; relative to hawkers and peddlers of camphine in Philadelphia; and to incorporate the Bucks County Farmers' produce market association," without my approval, and with my reasons for withholding the same.

My objections are to the first section proposing to annul a certain deed of trust, and to so much of said bill as proposes to incorporate the Bucks County Farmers' produce market association.

The proposition to annul the deed of trust referred to in the first section, involves the power in the General Assembly to set aside and make void the private contracts of parties. If the deed is a good and valid one, no act of the Legislature can make it less so. If, for any defect in its execution, or for matter not apparent on its face, or by reason of the full execution and

consummation of the purposes of the trust, the deed is not, in fact, operative. The act of the Legislature in declaring it annulled, will not alter the case; and besides, if such declaration is based on any of these reasons, it involves the exercise of judicial power, which, under our Constitution, is vested exclusively in the courts. This object is, therefore, one that can be attained only, either by the agreement, in due form, of all the parties interested, or (under certain contingencies), by the courts.

The proposed incorporation of the Bucks County Farmers' produce market association, appears to me to be quite a novelty, and an extraordinary extension of whatever benefits flow from a special act of incorporation.

The object of the proposed incorporation, although not well defined on its face, but as implied from its preamble, seems to be, that the incorporators therein named, may, with a capital of not exceeding \$25,000, purchase a suitable lot of ground in the district of the Northern Liberties, with the necessary buildings and improvements, not exceeding in cost \$50,000, for the purpose of establishing and maintaining comfortable and convenient accommodations for themselves and horses, and a market for the sale of the proceeds of their respective farms. The corporation is not limited in its duration, but may be perpetual. This is objectionable, as well as the feature that permits the company to hold real estate worth \$50,000, upon a capital of \$25,000.

If the corporate authorities of the district of the Northern Liberties do not furnish a suitable market-house, or market-place, for the sale of the products of the farmers who may be desirous of there vending the same, I can see no impropriety in permitting them to establish such market-house, or place, under a well arranged act of incorporation, that shall give equal



facilities; but I can see no public good to be promoted in such a populous district, so abundantly provided with good hotels and stabling, by establishing under an act of incorporation for the benefit of the corporators "buildings and improvements" for the "comfortable and convenient accommodation for themselves and their horses." I think it quite probable that these corporators did not in fact contemplate such a purpose as this; but the language of the bill will embrace it, and we must, therefore, regard the bill as providing for it.

In my judgment, liberal as we have become on the subject of creating corporations, and various as are the duties now performed by their officers, yet, such business as this feature in the bill would warrant, has not yet been included in the routine of their specified duties. Being unwilling to interfere with these just subjects for individual enterprise, and believing that individual means can promote these objects much better than an incorporated company, and that, therefore, these corporators can get much more "comfortable and convenient accommodations for themselves and their horses," without the provisions of this bill than under them, I feel that neither they nor the public will have just reason to complain if they are prohibited from undertaking this new corporation enterprise.

WM. BIGLER.

Executive Chamber, Harrisburg, April 22, 1852.

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To the Senate Vetoing "An Act to Incorporate the Mechanics' Savings Institution of Harrisburg."

Senators:

**B**ILL NO. 588, ON THE FILES OF THE SENATE, entitled "An act to incorporate the Mechanics' Savings Institution, of Harrisburg," was presented on the 16th inst. for my approval. A legal dif-

ficulty, such as I feel I cannot conscientiously disregard, interposes against such approval, and I therefore herewith return said bill.

The bill proposes to incorporate a company with discounting privileges. Our Constitution provides "that no corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months' previous public notice of the intended application for the same, in such manner as may be prescribed by law." The act of Assembly of 1st June, A. D. 1839, passed to provide such legislation as is contemplated by this portion of the Constitution, enacts, "that whenever any citizen or association of citizens of the Commonwealth, intend to make application to the Legislature for the creation, renewal or extension of any corporate body, with banking or discounting privileges, it shall be their duty to cause a notice of such intended application, to be advertised in two newspapers printed in the county in which such corporate body is, or is intended to be located, at least once a week for six months before the meeting of the next Legislature, and also one printed in the borough of Harrisburg; and the notice of such application shall specify the name and style, or intended name and style, the location or the intended location, the specific object for which created, and the amount of capital or intended amount of capital."

It appears that six months notice has been given in but one newspaper of the county of Dauphin, of an intended application at the present session of the Legislature, for the incorporation of a company with discounting privileges, to be called the "Harrisburg Savings Institution," with a capital of \$100,000; but no notice whatever has been given of any intended application for the incorporation of a company to be called the "Mechanics' Savings Institution of Harrisburg," which this bill proposes to create, with a capital of \$50,000.

It is thus apparent, that the requisite notice in at least two newspapers in the county of Dauphin, has not been given of an intended application to the present Legislature for any corporation with banking or discounting privileges, to be located within the county of Dauphin, and no notice whatever for an institution of the name and style of the "Mechanics' Savings Institution of Harrisburg," and with a capital of \$50,000.

The Constitution is imperative, that notice shall be in the manner "prescribed by law." Unless, therefore, such notice is in conformity with "the manner prescribed by law," what the Constitution requires in this respect, has not been complied with. In order that the notice may conform to this "manner prescribed by law," it is necessary that such law be in existence for at least six months before "the intended application," or else there would be no "manner prescribed" to which to conform, and consequently a subsequent law, changing the "manner," cannot affect the necessity for giving the previous notice according to the previous law, which alone prescribed any manner whatever for such notice. But no subsequent law has been enacted changing the manner of notice for such intended applications, and the suggestion that has been urged upon me, that inasmuch as the notice of the present bill has not conformed to this manner, that this bill changes the law in respect to this case, so far as regards the question of notice, in "the manner prescribed by law." This idea appears to me to be without any reason whatever to support it. Certainly, if it were not necessary that the manner should be prescribed by law at the time the notice is given, it still cannot be contended that this bill can operate as a law prescribing a manner before it in fact becomes a law. Such a doctrine would practically do away with a provision of the Constitution, as to the manner of giving notice altogether, for every other bill of like kind, similarly situated, could with equal force be construed in the same way.

With the facts above stated before me, therefore, I feel that my obligation to support the Constitution, in the discharge of my official duty, clearly forbids my sanction of this bill.

WM. BIGLER.

Executive Chamber,  
Harrisburg, April 28, 1852.

Proclamation of a Day of Thanksgiving.—1852.

Pennsylvania, ss.



I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM BIGLER, Governor of the said Commonwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Fellow Citizens: The Almighty and merciful GOD has continued His guardianship over our Commonwealth during the year that is past. Except in a single community, which claims our sympathies, "the pestilence that walketh in darkness and the destruction that wasteth at noon day" have not had His leave to smite. Health has generally prevailed. The tumult of internal strife has not been heard. Unexampled prosperity has attended the peaceful pursuits of our citizens. "Seed time and harvest have returned." Our garners have been filled with the finest of the wheat. Our cup of blessings has overflowed. The Educational institutions of our Commonwealth are growing in the affections of the people developing the youthful mind, and elevating our National character. General intelligence and morality are on the advance. Our holy religion through its own institutions, continues to exert



its sacred influence on the public mind—to administer its consolations to the contrite and the pure, and inspire them with the hopes of immortality.

As a Nation, we are at peace with all the world, and eminently prosperous. The free institutions of our Government have been strengthened by the trials of the past; and a brighter promise dawns upon the future. To GOD, most great and good, we owe all our blessings. To Him our thanks are due.

Under this solemn conviction and in conformity with the wishes of many good citizens, I WILLIAM BIGLER, Governor of the Commonwealth of Pennsylvania, do hereby appoint Thursday, the 25th day of November next, as a day of general thanks giving and prayer throughout the State, and earnestly beseech the citizens of the Commonwealth, of all classes, that setting aside all worldly business, on that day, they unite in offering thanks to Almighty God for His blessings and invoke the continuance of His goodness.

Given under my hand and the Great Seal of State at Harrisburg, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and fifty-two, and of the Commonwealth the seventy-seventh.

By the Governor.

F. W. Hughes,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1852.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. By WILLIAM BIGLER,  
Governor of the said Com-  
monwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Whereas, In and by an act of the  
General Assembly of this Common-  
wealth passed the second day of July,  
A. D. 1839, entitled, "An act relating  
to the elections of this Common-  
wealth,' it is made the duty of the Gov-  
ernor on returns of the election of the members of the  
House of Representatives of the United States by the  
Secretary of the Commonwealth, to declare by Procla-  
mation the names of the persons so returned as elected  
in the respective districts.

And Whereas, The returns of the general election  
held on Tuesday the twelfth day of October instant,  
in and for the several Districts, for members to serve  
in the House of Representatives of the Congress of the  
United States, for the term of two years from and after  
the fourth day of March next, have been received in the  
office of the Secretary of the Commonwealth agree-  
ably to the provisions of the above-recited Act, where-  
by it appears that in the First District, composed of  
Southwark Moyamensing, Passyunk, in the County  
of Philadelphia, and Cedar, Lombard, Spruce and New  
Market Wards in the City of Philadelphia, Thomas B.  
Florence has been duly elected. In the Second Dis-

trict composed of the City of Philadelphia, excepting the before mentioned Wards, Joseph R. Chandler has been duly elected. In the Third District, composed of Kensington and Northern Liberties in the County of Philadelphia, John Robbins Jr. has been duly elected. In the Fourth District composed of Spring Garden, Penn District, North Penn, Kingsessing, West Philadelphia, Blockley, Richmond, unincorporated Northern Liberties, Bridesburg, Aramingo, in the County of Philadelphia, William H. Witte has been duly elected. In the Fifth District, composed of Montgomery County and Bristol township, Upper and Lower Germantown, Upper and Lower Manayunk, Frankford, Roxborough, Byberry, Lower Dublin, White Hall, Oxford and Moreland in the County of Philadelphia, John McNair has been duly elected. In the Sixth District composed of the counties of Chester and Delaware, William Everhart has been duly elected. In the Seventh District composed of the counties of Bucks and Lehigh, Samuel A. Bridges has been duly elected. In the Eighth District composed of the County of Berks, Henry A. Muhlenberg has been duly elected. In the Ninth district composed of the County of Lancaster, Isaac E. Hiester has been duly elected. In the Tenth District composed of the counties of Lebanon, Dauphin and Union, and the township of Lower Mahanoy in the County of Northumberland, Nev Middleswarth has been duly elected. In the Eleventh District composed of the counties of Schuylkill and Northumberland, except Lower Mahanoy township, Christian M. Straub has been duly elected. In the Twelfth District composed of the counties of Montour, Columbia, Luzerne and Wyoming, Hendrick B. Wright has been duly elected. In the Thirteenth District, composed of the counties of Northampton, Monroe, Carbon, Pike and Wayne, Asa Packer has been duly elected. In the Fourteenth District composed of Susquehanna, Brad-

ford and Tioga, Galusha A. Grow has been duly elected. In the Fifteenth District composed of the counties of Lycoming, Sullivan, Clinton, Potter, Centre, and Mifflin, James Gamble has been duly elected. In the Sixteenth District composed of the counties of York, Cumberland and Perry, William H. Kurtz has been duly elected. In the Seventeenth District composed of the counties of Adams, Franklin, Fulton, Bedford and Juniata, Samuel L. Russel has been duly elected. In the Eighteenth District composed of the counties of Somerset, Cambria, Blair and Huntingdon, John McCulloch has been duly elected. In the Nineteenth District composed of the counties of Westmoreland, Armstrong and Indiana, Augustus Drum has been duly elected. In the Twentieth District composed of the counties of Fayette, Greene and Washington, John L. Dawson has been duly elected. In the Twenty-first District composed of the County of Allegheny except that part which lies northeast of the Ohio and northwest of the Allegheny rivers, David Ritchie has been duly elected. In the Twenty-second District composed of Butler County and that part of Allegheny County not included in the Twenty-first District, Thomas M. Howe has been duly elected. In the Twenty-third District composed of the counties of Beaver, Lawrence and Mercer, Michael C. Trout has been duly elected. In the Twenty-fourth District composed of the counties of Venango, Warren, McKean, Clearfield, Jefferson, Forest, Elk and Clarion, Carlton B. Curtis has been duly elected. In the Twenty-fifth District composed of the counties of Erie and Crawford, John Dick has been duly elected.

Now therefore I have issued this Proclamation, hereby publishing and declaring that Thomas B. Florence, Joseph R. Chandler, John Robbins, Jr., William H. Witte, John McNair, William Everhart, Samuel A. Bridges, Henry A. Muhlenberg, Isaac E. Hiester, Nev



Middleswarth, Christian M. Straub, Hendrick B. Wright, Asa Packer, Galusha A. Grow, James Gamble, William H. Kurtz, Samuel L. Russel, John McCulloch, Augustus Drum, John L. Dawson, David Ritchie, Thomas M. Howe, Michael C. Trout, Carlton B. Curtis, and John Dick have been returned as duly elected in their several Districts before mentioned, as Representatives in the Congress of the United States for the term of two years to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this first day of November in the year of our Lord one thousand eight hundred and fifty-two and of the Commonwealth the seventy-seventh.

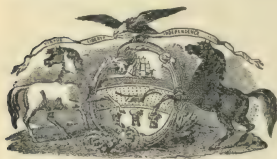
By the Governor:

E. S. Goodrich,

Deputy Secretary of the Commonwealth.

Proclamation of the Election of George W. Woodward as Judge of the Supreme Court.

Pennsylvania, ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. By WILLIAM BIGLER, Governor of the said Commonwealth.

[Signed] Wm. Bigler.

#### A PROCLAMATION.



Whereas in and by an act of the General Assembly of this Commonwealth passed the 15th day of April, A. D. 1851, entitled "An act to provide for the election of Judges of the Several Courts of this Commonwealth and to regulate certain Judicial Districts it is enact-

ed and provided as follows viz: "Section 9. That on the First Tuesday in November next following any election authorized by the act the Secretary of the Commonwealth shall in the Hall of the House of Representatives in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend cause the returns made to him under the provisions hereof to be opened and the votes cast for Judges of the Supreme Court to be accurately computed. And the Governor shall forthwith issue his Proclamation declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected by this Act who have received the greatest number of votes to be duly elected.

And Whereas, The Secretary of the Commonwealth did at the time and place and in the manner provided by the act aforesaid cause the returns of the election made to him to be opened and the votes cast for Judges of the Supreme Court to be accurately computed.

Now Therefore, In obedience to the requirement of the above recited Ninth Section of the Act of the General Assembly aforesaid I do hereby issue this Proclamation publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the last General Election held on the 2d Tuesday of October last, to fill the vacancy occasioned by the death of the Hon. Richard Coulter, George W. Woodward having received the greatest number of votes has been duly elected.

Given under my hand and the Great Seal of the State at Harrisburg the Second day of November in the year of our Lord one thousand eight hundred and fifty-two and of the Commonwealth the Seventy Seventh.

By the Governor.

F. W. Hughes,  
Secy. of the Commonwealth.

Proclamation of the Election of Electors of President  
and Vice President.—1852.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. By WILLIAM BIGLER,  
Governor of the said Com-  
monwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Whereas it is provided in and by  
an Act of the General Assembly of this  
Commonwealth entitled "An act relat-  
ing to the Elections of this Common-  
wealth" passed on the Second day of  
July A. D. one thousand eight hun-  
dred and thirty-nine that the Secretary of the Com-  
monwealth having received the Returns of the  
votes given for Electors of President and Vice Presi-  
dent of the United States shall lay the same before  
the Governor, who shall enumerate and ascertain the  
number of votes for each person voted for and shall  
thereupon declare by proclamation the names of the  
persons duly elected.

And Whereas, It appears by the Returns laid before  
me of the Election for Electors held on Tuesday the  
Second day of November Inst. That Wilson McCand-  
less, Robert Patterson, Nathaniel C. Eldredge, Peter  
Logan, George H. Martin, John Miller, Francis W.  
Bockius, Robert McCay, Jr., Andrew Apple, Nimrod  
Strickland, Abraham Peters, David Fister, Robert E.  
James, John McReynolds, Pardon Damon, Henry C.  
Eyer, John Clayton, Isaac Robinson, Henry Fetter,  
James Burnside, Maxwell McCaslin, William S. Colo-  
han, Andrew Burk, William Dunn, John S. McCalmont

and George R. Barrett are the persons duly elected Electors of a President and Vice President of the United States to Serve at the Election in that behalf to be held at the Seat of Government of this State (being the Borough of Harrisburg in the County of Dauphin) on the First Wednesday of December next agreeably to the Said Act of the General Assembly of this Commonwealth and the Constitution and Laws of the United States in such case made and provided.

Given under my Hand and the Great Seal of the State at Harrisburg this Eleventh day of November in the year of our Lord one thousand Eight hundred and fifty-two and of the Commonwealth the Seventy Seventh.

By the Governor

E. S. Goodrich,

Deputy Secretary of the Commonwealth.

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Message to the Electoral College.—1852.

Executive Department,  
Harrisburg, December 1st, 1852.

To the Electors of a President and Vice President of  
the United States.

Gentlemen:

**I**N PURSUANCE OF THE ACT OF CONGRESS IN such case provided I herewith transmit to you three lists of the names of the Electors of a President and Vice President of the United States chosen by the people of the State of Pennsylvania on Tuesday the second day of November A. D. 1852, agreeably to the laws of Congress and of the said Commonwealth.

I have the honor to be,

Very Respectfully,

Your obdt. Servt.,

WM. BIGLER.



Certificate of the Election of Presidential Electors.—  
1852.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. By WILLIAM BIGLER,  
Governor of the said Com-  
monwealth.

[Signed] Wm. Bigler.



To all to whom these presents shall  
come Certifies and makes known  
That at an election held in and for  
the Commonwealth of Pennsylvania on  
Tuesday the Second day of November  
A. D. one thousand eight hundred and  
fifty-two the following persons viz: Wilson Mc-  
Candless, Robert Patterson, Nathaniel B. Eldred,  
Peter Logan, George H. Martin, John Miller, Fran-  
cis W. Bockius, Robert McCay, Jr., Andrew Apple,  
Nimrod Strickland, Abraham Peter, David Fister, Rob-  
ert E. James, John McReynolds, Pardon Damon, Henry  
C. Eyer, John Clayton, Isaac Robinson, Henry Fetter,  
James Burnside, Maxwell McCaslin,\* Joseph McDonald,  
Wm. S. Colohan, Andrew Burke, William Dunn, John  
S. McCalmont and George R. Barrett were duly elected

\*DOCUMENT RELATING TO THE CERTIFICATE.

College of Electors  
Senate Chamber  
State Capitol  
Dec'r 1 1852

To His Excellency

Wm. Bigler

Governor of the Commonwealth of Pennsylvania

I am instructed by the President of the Electoral College now in session  
to notify you, that Joseph McDonald an Elector named upon the list fur-  
nished to the College by the Executive of the State, is from sickness or  
other cause absent and that the College has held an election according to  
the provisions of the act of Assembly approved July 2d 1839 to fill the  
vacancy at which John C. O'Neill was duly chosen.

By the President

W. V. McKEAN,  
Secretary of the  
Electoral College.

and returned to be Electors of a President and Vice President of the United States for the Term of Four Years next ensuing the 4th day of March in the year of our Lord one thousand Eight hundred and fifty-three, agreeably to the Constitution and Laws of the United States and of the Commonwealth of Pennsylvania.

Given under my Hand and the Great Seal of the State at Harrisburg this First day of December in the year of our Lord one thousand Eight hundred and fifty-two and of the Commonwealth the Seventy Seventh.

By the Governor.

E. S. Goodrich,

Depy. Secy. of the Commth.

# Announcement of the Appointment of a Substitute Elector.—1852.

State of Pennsylvania.



Executive Department,

Harrisburg, December 1, 1852.

To John C. O'Neill, Esq.:—

Sir:

**I**T HAVING BEEN CERTIFIED TO ME BY WILSON McCandless, President of the College of Electors, that a vacancy has occurred in that body in consequence of the absence of Joseph McDonald, one of the persons certified as duly elected and that, agreeably to the act of the Assembly in such case made and provided, the Electors present had chosen John C. O'Neill to supply the vacancy occasioned by the absence of Joseph McDonald aforesaid.

You are therefore hereby requested to meet with the other Electors forthwith to discharge the duties enjoined on them by the Constitution and laws of the United States and of the State of Pennsylvania.



Given under my hand and the Less seal of the State at Harrisburg this first day of December A. D. one thousand eight hundred and fifty-two

and of the Commonwealth the seventy-seventh.

WM. BIGLER.

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To the Assembly Vetoing "An Act to Incorporate the Lackawanna Iron and Coal Company."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 252, entitled "An act to incorporate the Lackawanna iron and coal company."

This bill proposes to create a corporation, to exist for a term of twenty years, with a capital of \$500,000, for the purpose of manufacturing all kinds of iron, and mining and vending coal and limestone, and to have the right to hold not exceeding three thousand acres of land, and to sell and dispose of the same at pleasure.

The gentlemen asking these corporate privileges are now engaged in this business, and are said to be prosperous in their operations. Their only reason for asking legislation, such as is proposed in this bill, is in view of the greater convenience it will afford them in the transaction of their business. They claim that their operations have been, and are still, liable to sudden interruption by the death or withdrawal of one of the

partners, at which event their affairs must be closed up to ascertain the interest of each; that the bill under consideration would give them this convenience, by allowing all their respective interests to be represented by shares of stock.

My objections to the bill are, that it proposes to create a corporation to engage in the ordinary pursuits of the State, and imposes only a limited liability on the corporators for the debts of the association, which I regard as inconsistent with the principles of justice and true public policy. These gentlemen are to have all the profits, and I can see no reason why they should not be liable for all the losses. In my annual message I have given my views on this point at length, and to these I most respectfully refer you for a more extended knowledge of my objections to this bill.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 6, 1853.

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To the Assembly Nominating Trustees for the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 26, 1853.

Senators:—

**I**N CONFORMITY WITH THE REQUIREMENTS of the fifth section of the act of 14th April, 1845, establishing an asylum for the insane poor of the Commonwealth, I do hereby re-nominate for the advice and consent of the Senate,

Thomas S. Kirkbride, M. D., of Philadelphia county,  
F. A. Muhlenberg, M. D., of Lancaster county,  
Joseph Henderson, M. D., of Mifflin county,

To be trustees for the "Pennsylvania State Lunatic Hospital," to serve for the period of three years.

WM. BIGLER.



To the Speaker of the Senate Giving Notice of the  
Appointment of Charles A. Black to be Secretary  
of the Commonwealth.

Hon. Thomas Carson,  
Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE, THAT  
I have this day appointed and commissioned  
Charles A. Black to be Secretary of the Common-  
wealth, agreeably to the eighth section of the second  
article of the Constitution, in place of Francis W.  
Hughes, resigned.

WM. BIGLER.

Executive Chamber,  
Harrisburg, March 14, 1853.

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To the Assembly Vetoing "An Act to Authorize the  
Commissioners of Clinton County to Borrow  
Money; Authorizing the Commissioners of Sulli-  
van County to Sell and Convey Certain Real Es-  
tate; Relative to Taxation in the Borough of Lock  
Haven; to the Treasurer of Sullivan County; In-  
corporating the Hendersonville and Mercer Plank  
Road Company; to Streets in the District of  
Southwark; to the Ridge Turnpike Road Com-  
pany, and Erecting Village School District in Som-  
erset County."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, WITH-  
out my signature, bill No. 219, on the files of that  
body, entitled "An act to authorize the commis-  
sioners of Clinton county to borrow money; author-  
izing the commissioners of Sullivan county to sell and  
convey certain real estate; relative to taxation in the

borough of Lock Haven; to the treasurer of Sullivan county; incorporating the Hendersonville and Mercer plank road company; to streets in the district of Southwark; to the Ridge turnpike road company; and erecting Village school district in Somerset county."

In the various and incongruous matter that composes the proposed law, bringing within the range of its influence many widely separate sections of the Commonwealth, and irrelevant topics, I see nothing actually injurious, except in the tenth, last section, which "erects the Village school district."

I have repeatedly differed from the General Assembly, in reference to the creation of special school districts, on terms inconsistent with the general law; and I exceedingly regret the necessity of doing so on this occasion. But an imperious sense of duty impels me to this difference, and I must bespeak from you a patient examination of the reasons which have brought me to this determination.

I am anxious, as I know you are, to maintain, extend, and perfect our common school system. No branch of the government is entitled better to our anxious care, for on the success of no other depend, to so great an extent, the moral dignity, purity and happiness of our people, and the efficiency and permanency of our republican institutions.

The tenth section of this bill proposes to create an independent school district out of parts of Milford township, in the county of Somerset. Under the provisions of the general law of 1849, the administration of the affairs of this proposed district are quite impracticable.

The general law provides, "that for the purpose of enabling the board of directors to assess and apportion the tax for the ensuing school year, the county commissioners shall, when required, furnish the president or secretary of the board with a correct copy of the last

adjusted valuation, of the proper subjects and things made taxable in the same for State or county purposes, which said property, subjects and things are hereby made taxable for school purposes, according to the provisions of this act."

This section is made the basis of the machinery for the general system. All school districts are to be limited by ward, borough, or township lines, and all the other features of the law are made to conform to this important rule in districting the State.

For instance, the elections for directors are to be held at the time and place for holding elections for supervisors and constables, in townships, and in wards and boroughs, at the time and place of the borough elections. The directors are exempted from service in township or borough offices, and also, from the performance of militia duty. The school treasurer is directed to issue his warrant to the proper constable of the township or borough, for the collection of the schedule of unpaid taxes. The treasurer's accounts are to be settled by the township or borough auditors.

It will thus be seen that the bill under consideration proposes to make an innovation on the general system, which cannot fail to magnify the difficulties of carrying it out, and to lessen its efficiency. The assessments are made by township or borough assessors, who are not required to recognize the boundaries of special school districts, or to designate the particular locality of the assessable property within their respective townships. "As a consequence, therefore, when a township is sub-divided into several school districts, as proposed by this bill, the commissioners of the county cannot furnish the list of the property, subjects, and things made taxable," in the several sub-divisions. They can have no record before them, by which they can officially know the facts that constitute the basis for levying and apportioning the school tax. If the county

commissioners cannot furnish the required "list," the school directors cannot levy and apportion the tax, and consequently there can be no means raised to support the schools in such district. To obviate this difficulty would require legislation establishing some other mode of making assessments for such sub-divisions, and thus the whole general system would be disturbed.

The third-third section of the general law requires the commissioners of each county to ascertain triennially, with the assistance of the respective assessors, the exact number of taxable citizens of each school district in the several counties, and to certify the same under their hands and seals of office to the Superintendent of Common Schools, who is directed to adopt the number of taxables certified to him as the basis of distribution of the State appropriation.

You will perceive, gentlemen, that it will be quite impracticable to carry out this provision in reference to fractions of townships, wards, and boroughs.

There are, unfortunately, a few special districts in existence already; the experience of the Superintendent of Common Schools in reference to these has confirmed him in the opinion that this kind of special legislation will involve the whole system in confusion and greatly impair its efficiency. There may be cases, indeed there are many instances, in which this rule of townships, boroughs, and wards boundaries seem to impose hardship and inconvenience by locating school houses at points too remote from a portion of the scholars residing in such township, borough or ward. But the tenth paragraph of the sixteenth section of the general law provides a remedy for this inconvenience, and perhaps as efficient an one as could be devised.

The late Superintendent of Common Schools, in his forty-eighth decision, touching this subject, says:

"The eleventh division of the sixteenth section of the general school law of 1849, provides:—'If it shall



be found that on account of great distance from or difficulty of access to the proper school house, in any district, some of the pupils thereof could be more conveniently accommodated in the schools of an adjoining district, it shall be the duty of the directors of such two adjoining districts to make an arrangement by which such pupils may be instructed in the most convenient school of the adjoining district, and the expense of such instruction shall be paid as may be agreed upon by the directors of such adjoining districts.' From this extract the duty of the directors to make, under the circumstances there contemplated, the necessary 'arrangement' is expressly enjoined, and directors cannot avoid making the same, upon proper request, without a clear violation of such duty and proper liability for such delinquency. The basis of the arrangement is that 'the expense of such instruction' shall be paid to the board of directors of the district teaching the pupils by the adjoining district. The amount of tax paid by the parents or guardians of the pupils should not be regarded in making the arrangement, for all the children of a district have an equal right to the benefits of the common school system. 'The expense of such instruction' can be readily ascertained by a reference to the whole number of pupils taught in any one district, and the entire cost of teaching the same. The right of pupils are thus located in reference to the schools of their own and of an adjoining district, is as undoubted and well sustained by the law as the right of a pupil to be taught in his own district."

As a further remedy for the alleged inconvenience, the second paragraph of the sixteenth section of the law of 1849, clothes the directors of adjoining school districts with power to establish joint schools, and to pay the expense in such manner as they may deem proper.

In conclusion, I cannot refrain from expressing my strong aversion to all special legislation in reference to the common school system. A very brief official connection with the administration of its affairs has confirmed me in the belief that special acts, extending peculiar provisions to the districts separately, will render the administration of the system quite impracticable. Whatever deficiencies may exist should be remedied by general laws, and I am gratified to know that this subject is at present receiving the anxious consideration of certain members of the general Assembly.

WM. BIGLER.

Executive Chamber,  
Harrisburg, March 18, 1853.

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To the Assembly Vetoing "An Act to Incorporate the Waynesburg and Washington Plank Road Company," containing a Section Erecting a Special School District in Greene Conuty.

Gentlemen:—

SENATE BILL, NO. 276, ENTITLED "AN ACT TO incorporate the Waynesburg and Washington plank road company," and for many other purposes, was presented for my approbation on the 17th instant, and I have given its provisions a careful examination.

The twelfth section of the bill proposes to erect certain parts of Whitely township, Greene county, into a separate school district, and it is to this feature that I object. In my message of yesterday, returning bill No. 450, I gave my views at length on the subject of erecting separate school districts out of parts of a township or ward, and to these I most respectfully refer

you for my reasons for withholding my signature from the bill herewith returned.

WM. BIGLER.

Executive Chamber,  
Harrisburg, March 19, 1853.

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To the Senate Nominating Ephraim Cornman to be  
Superintendent of Printing.

Executive Chamber,  
Harrisburg, March 22, 1853.

Gentlemen:—

**I** NOMINATE EPHRAIM CORNMAN OF CAR-  
lisle to be superintendent of printing under the  
act of 15th March, 1853, entitled "A further supple-  
ment to an act entitled 'An act to create permanently  
the office of State Printer.'"

WM. BIGLER.

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To the Assembly Approving an Act to Establish the  
Erie City Bank, with Comments on the Extension  
of Paper Currency.

Gentlemen:

**A**FTER MUCH ANXIOUS REFLECTION, AND A  
very full examination of the facts connected with  
the subject, I have concluded to approve bill No.  
4, on the file of the House of Representatives, entitled  
"An act to establish the Erie city bank." In doing  
this, however, I deem it due to you, the people, and  
myself, that I should make known the considerations  
which have brought me to this conclusion.

I have repeatedly, since my induction into office, as well as when before the people as a candidate, declared sentiments adverse to the increase of banking capital, or rather to the extension of paper currency; and I am not willing to have my consent to the creation of the Erie city bank regarded as evidence of a change in my views on this subject.

Nothing that has occurred in this or other countries, connected with monetary affairs, since I withheld my assent from the creation of new banks during the last session of the Legislature, has been calculated to produce such change, but, on the contrary, much that has taken place in surrounding States may be regarded as strengthening my confidence and yours in that policy which looks to a reduction rather than an extension of the paper medium. The enormous influx of gold from California and other sources not only continues, but seems greatly on the increase over former years, and many millions have thus been added to the metallic currency of the country. A commercial revulsion, however slight or temporary, cannot pass over without demonstrating that Pennsylvania is greatly the gainer by confining the amount of her circulating medium to the positive demands of a wholesome business. There is safety in this policy for the merchant, and actual gain to the farmer, the mechanic, and laborer. The wages of labor seldom if ever advance in an equal ratio with the enhancement of the nominal value of property resulting from a super-abundance of money. The condition of the laboring classes in many sections of the country at this time afford a sufficient evidence of the soundness of this position. So firmly am I convinced of the wisdom of this policy, that had the measure under consideration involved a practical departure to any considerable extent from the ground heretofore occupied on this subject, I should have returned the bill without my sanction, notwithstanding



the peculiar local considerations in its favor. But it can scarcely be regarded as a violation of the restrictive policy I have indicated.

The institution thus created is presented as a substitution for the old Erie bank. The people of the city of Erie seem to prefer the creation of a new bank rather than the recharter of the old one. The old bank is not asking a revival or extension of its franchises, but has very properly commenced winding up its affairs; and thus the city of Erie, now more flourishing and extended in its business operations than at any former period, would be destitute of a banking institution of any character. Remote from moneyed institutions, at least from those of our own State, her business men would be forced to resort to the banks of other States for the transaction of their business, so far as banking facilities may be necessary, and thus throw into circulation a currency less safe and far more objectionable than our own. I can see no other locality in the State possessing business enough to require and sustain a bank similarly circumstanced; and what I desire to impress upon you most distinctly is, that my assent to the charter of the Erie city bank shall not be taken as evidence that I would sanction the creation of new banks in other localities, and presenting no such inducements; and it is but candid and right that I should say to you, that of all the proposed banks from which I withheld my assent last winter, this is the only one which could receive my sanction at this time; and besides this, the propositions are dissimilar, for the capital stock being but little over one-half the amount asked for at the last session. It may not be improper in this connection to call your attention once more to the subject of the cancellation of the relief issues. I regard the withdrawal of this currency from circulation as the first indispensable step in the reformation of our paper currency. Pennsylvania should be ambi-

tious to lead her sister States in the great reform of substituting a metallic for a paper medium; but she cannot hope to influence this action so long as she sustains in her sovereign capacity the most objectionable species of paper money.

This salutary reform accomplished, the difficulties in the way of the substitution of a metallic for a paper system, at least as to notes of the smaller denominations, would not be insurmountable. By a progressive action on the subject, beginning with the fives and those of the lower denominations, and proceedings as time and experience would dictate, a few years might bring round a thorough reformation of our mixed system. I believe this to be the true policy of the country—one which would strengthen and protect our agricultural, manufacturing, and commercial interests in their rivalry with those of other countries. I believe it will be wise for Pennsylvania to adopt this policy, even though her sister States refuse to join in the work: for it will ultimately make her rich at their expense.

In conclusion, gentlemen, allow me to express the hope, that before the final adjournment of the General Assembly, efficient measures may be adopted to cancel the relief notes now in circulation.

WM. BIGLER.

Executive Chamber,  
Harrisburg, April 5, 1853.

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To the Assembly Conveying the Acceptance by the Assembly of Maryland of an Invitation to Visit the Capitol of Pennsylvania.

Gentlemen:—

**Y**OUR RESOLUTIONS, UNANIMOUSLY ADOPT-  
ed on the 25th ultimo, inviting “the Governor,  
Heads of Departments, and Legislature of the  
State of Maryland, to extend their visit to the capitol

of Pennsylvania," on the occasion of their contemplated excursion over the railroads between Harrisburg and the city of Baltimore, were promptly transmitted to the Governor, and to the Speakers of both branches of the Legislature, respectively, accompanied with a cordial concurrence in the invitation from this branch of the government. A similar invitation was also extended to the Mayor and Councils of the city of Baltimore.

I now have the honor herewith to transmit to you, a series of resolutions adopted by the Legislature of Maryland on the 8th instant, acknowledging the courtesy on the part of Pennsylvania, and accepting the invitation thus extended, and naming Saturday next, as the day for the contemplated ceremonies; you will doubtless take such action in the premises as may seem proper and necessary.

I shall be most happy, gentlemen, to be the medium of any further communication which you may see proper to make on this subject.

WM. BIGLER.

Executive Chamber,

Harrisburg, April 11, 1853.

#### RESOLUTIONS OF THE MARYLAND ASSEMBLY.

Whereas, The Legislature of Pennsylvania have invited the Governor, the Heads of Departments, and the Legislature of this State, to visit the capital of Pennsylvania, in the event of their visiting the line of railroad between Harrisburg and Baltimore; therefore,

Resolved, By the General Assembly of Maryland, That the Governor be respectfully requested to inform the Governor of Pennsylvania, that the Legislature of this State highly appreciate the invitation of the Legislature of Pennsylvania, as an evidence of that friendly feeling which ought to exist, and which it is hoped will always exist, between the people and the government of the States of Pennsylvania and Maryland.

Resolved, That the thanks of the Legislature of Maryland are due, and are hereby cordially extended, to the authorities

of Pennsylvania, for their fraternal invitation to become the guests of their State.

Resolved, That this Legislature accepts the invitation so obligingly tendered to it, and proposes, if it meets the convenience of the Legislature of Pennsylvania to make the excursion to Harrisburg on Saturday the 16th of April instant.

We hereby certify that the foregoing is an authentic copy of the resolutions in reply to the invitation of the Governor and Legislature of Pennsylvania to visit that State, passed by the General Assembly of Maryland at this present session, in the Senate on the 7th of April, and by the House of Delegates on the 8th of April instant.

JOS. J. STEWART, Jr.,  
Clerk of the House of Delegates.  
J. PINKNEY,  
Secretary of the Senate.

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To the Assembly Transmitting the Proceedings of  
the Electoral College.

Executive Chamber,  
Harrisburg, April 16, 1853.

Gentlemen:—

THE ELECTORAL COLLEGE OF PENNSYLVANIA, which convened at the seat of government on the first day of December, A. D., 1852, adopted a resolution requesting me to transmit to both Houses of the Legislature the proceedings of the said College, with a view of having them placed upon the Journals.

The authenticated proceedings of the said College, and the resolution referred to, were received by me on yesterday, and in obedience to the request aforesaid, I herewith transmit, at the earliest moment, a copy of the proceedings of the said Electoral College.

WM. BIGLER.



To the Senate Concerning the Case of Richard Neal,  
Claimed by the Governor of Maryland as a Fugitive from Justice, with Certain Documents Relating Thereto.

Senators:—

**I**T WAS SOME WEEKS SINCE A RESOLUTION of the Senate was presented to me requesting the Governor to communicate to the Senate copies of the indictment, or affidavit and requisition of the Executive of Maryland, for the arrest of a certain Richard Neal, claimed as a fugitive from justice; and also copies of the correspondence, if any, on the subject, and the "reasons for his compliance with the said requisition."

I have delayed a reply to this resolution, in expectation of further official communication in reference to the subject, which I deemed might be proper to communicate to the Senate. None such, however, have been received, and I herewith, in compliance with your resolution, transmit to the Senate copies of the affidavits on which the requisition of the Governor of Maryland is based, and a copy of the requisition itself—which are the only documents touching this subject, which have been received from the authorities of Maryland, on file in this department. These papers were presented on the 24th of January last, and immediately upon their receipt a warrant was issued, in compliance with the requisition, and Neal was shortly thereafter arrested.

A writ of habeas corpus was issued, at the instance of Neal, from our supreme court, and after some postponement, at the suggestion of the Attorney General, to give opportunity to the authorities of Maryland to be represented at the hearing upon the habeas corpus proceedings, and on failure of the agent of that State to appear and exhibit the warrant under which Neal had been arrested, or show other cause for his deten-

tion, he was discharged from custody. No further action has since occurred in the premises, nor has a new warrant been applied for, or granted; and I think it quite probable that no further action will be had on the subject.

With the utmost disposition to extend to the Senate any act of courtesy consistent with my duty, I must decline a compliance with that portion of your resolution which calls for my reasons for issuing a warrant for the arrest of Neal, in compliance with the said requisition.

Solicitous as I am that any Senator and every citizen shall have the most thorough knowledge of all reasons which may have actuated the present Executive in the discharge of his official duties, I cannot be the means of setting a precedent, so fraught with danger and discord amongst the respective branches of government, as to recognize, even by implication, the right of a co-ordinate branch of the government to call upon me to assign reasons for the discharge of official duties other than those which appear on the face of the record, and which are found in the terms of the law under which I may act. I can but regard the right to call for such reasons as untenable as the right of the Executive to call upon the legislative branch for the reasons that induced the enactment of a particular law; or of either to call upon the judiciary for their reasons in making a particular decision, other than those which may have been spread upon the record. The Executive department is a co-ordinate and independent branch of the government, and its head is responsible directly to the people, and is in no respect amenable to the supervision or control of either the legislative or judicial branches, except only in accordance with the forms and proceedings provided by the constitution and the laws. He acts under the solemn injunctions of his official oath, his sense of duty, and

responsibility to the people---and all his official acts are therefore fairly to be presumed as controled only by reasons consistent with such high and potent obligations; and such considerations doubtless are also to be presumed to control the legislative and judicial branches. All of these obligations require that the Executive should support the constitution of the United States. And the second section of the fourth article of that instrument provides, "that a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." The act of Congress of 1793 provides, "that whenever the executive authority of any State in the Union shall demand any person as a fugitive from justice, of the executive authority of any State or territory to which such person shall have fled, and shall moreover produce a copy of the indictment found, or an affidavit made before a magistrate of any such State or territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or chief magistrate of the State or territory from whence the person so charged fled, it shall be the duty of the executive authority of any State or territory, to cause him or her to be arrested and secured, and delivered to the executive authority making the demand, or his agent."

The main difficulty on this subject grows out of the construction of the words "other crimes," in the above quoted provision of the constitution of the United States. In consequence of there being no tribunal having revisory power over the action of Executives under this provision, some variance in practice has existed, and some controversy between the respective executives of different States has occurred. In this State, however, the practice has been nearly, if not

entirely, uniform, from the formation of the government to the present time, for the Executive to issue his warrant whenever the forms of the act of Congress have been complied with—accompanied by an Executive averment that the particular offence is a crime in the State where it was committed.

This view of the subject is powerfully maintained, in a very able review of the subject of "extradition of fugitives," published in 6 Pennsylvania Law Journal, pages 424-5-6-7-8 and 9. In the case of Neal all these requirements of the law were complied with.

WM. BIGLER.

#### DOCUMENTS.

State of Maryland—To Wit:

Enoch Louis Lowe,

Governor of the State of Maryland.

To His Excellency, the Governor of Pennsylvania:

It appears by the annexed papers, duly authenticated according to the laws of this State, that Richard Neal (**negro**) stands charged upon the affidavit of William Hunter (**negro**), with the crime of enticing and persuading a certain Matilda Neal, Rachael Neal, Emmeline Neal, James Neal, and a child named Catherine Neal, the slaves of a certain Isaac Mayo, to run away from their said Master, against the form of the Act of the General Assembly of Maryland in such case made and provided, and it has been represented to me that he has fled from the justice of this State, and has taken refuge within the State of Pennsylvania:

Now therefore, Pursuant to the provisions of the Constitution and laws of the United States in such case made and provided, I do hereby request that the said Richard Neal be apprehended and delivered to John Lamb, who is hereby duly au-



thorized to receive and convey him to the State of Maryland there to be dealt with according to law.

|  |  |
|--|--|
| {<br>Seal of the<br>State of<br>Maryland.<br>} | In Witness whereof, I have hereunto affixed my name and the Great Seal of the State, this twenty-first day of January, in the year of our Lord one thousand eight hundred and fifty-three. |
|--|--|

E. LOUIS LOWE.

By the Governor.

Thos. H. O'Neal, Secretary of State.

State of Maryland,

Anne Arundel County, To Wit:

Be it remembered, on this 20th day of January, 1853, personally appears negro William Hunter, slave of Commodore Isaac Mayo, U. S. N., before me the subscriber, a justice of the peace for the county and State aforesaid, and makes oath on the Holy Evangelists of Almighty God, that he, the said William Hunter, was in the kitchen at Commodore Isaac Mayo's farm on Elkridge, in Howard county of this State, all aight, some time in the fall of 1849. On or about four o'clock in the morning, two black men and one white man came there, one of the black men, Richard Neal, a free black man, did then and there entice and persuade the following named slaves to run away, viz: Matilda Neal, Rachael Neal, Emmeline Neal, James Neal, and a child named Catharine Neal, children of Matilda Neal, and further, that said Richard Neal did bundle up said slaves, clothes, and they all left in company with Richard Neal. Sworn before

J. W. HUNTER.

State of Maryland,

Anne Arundel County, To Wit:

Be it remembered, on this 20th day of January, 1853, personally appeared Commodore Isaac Mayo, of the U. S. N., before me, a justice of the peace for the county and State aforesaid, and makes oath on the Holy Evangelists of Almighty God, that the parties mentioned in the foregoing affidavit of William Hunter, charging one Richard Neal with enticing and persuading his slaves to run away, were legally owned and possessed by him when said slaves were enticed and persuaded to run away from him by said Richard Neal, and that

said Richard Neal is a fugitive from the justice of this State, and believes he has taken refuge in the State of Pennsylvania.  
Sworn before

J. W. HUNTER.

State of Maryland,  
Anne Arundel County, To Wit:

I hereby certify that James W. Hunter, Esq., before whom the foregoing affidavits were made, and who has thereto subscribed his name, was at the time of so doing a justice of the peace of the said State, in and for said county, duly commissioned and qualified.

Circuit Court  
for Anne Arundel  
County,  
Maryland.

In Testimony whereof, I hereto set my hand and affix the seal of the Circuit Court for Anne Arundel county, this 20th day of January, 1853.

N. H. GREEN,  
Clerk C. C. for A. A. County.

\*Address at the Opening of the Pennsylvania Female College at Harrisburg.

Ladies and Gentlemen:—

I AM MOST HAPPY TO MEET YOU ON THIS very interesting occasion, and to hail you, one and all, as co-laborers in the great work which we are about to commence this morning.

The Legislature of the State, during its last session passed an act providing for the establishment of a "Female College" at Harrisburg, having for its aim

\*By the charter of this new College the Governor of the Commonwealth and the Superintendent of Common Schools were ex-officio trustees. At their first meeting, Governor Bigler was elected President. The opening ceremonies took place on Sept. 5th, 1853, and consisted of the opening address by the President, the inaugural by Mr. Waugh, the Principal of the College, and a literary address by Prof. Tiffany, of Dickinson College. Governor Bigler having been a few days previously prostrated by sickness, courteously forwarded the manuscript of his address to be read.

the liberal education of females in the various branches of science, literature and the learned and foreign languages to be known as the "Penna. Female College."

Under the provision of this law, the gentlemen named as trustees of the proposed institution, have made necessary preliminary arrangements, and we have assembled here to-day to witness, and to participate in the ceremonies incident to the dedication of the first College that has been founded at the Capitol of our great State.

It may be a matter of surprise to many, as I know it should be of regret to all, that this event did not occur long since that the females of this community have so long been deprived of the advantage of an institution of this kind. But, in our gratitude for present blessings, we can afford to forget the short-comings of the past. Let us be thankful too, that it has been our good fortune to have this opportunity of participating in a work so creditable to this community—so congenial to the noblest impulses of our nature, and so consistent with the highest purposes of civilized society. As President ex-officio of the Board of Trustees, I am proud of the relation my name is to bear to this commendable enterprise. It is this relation that has assigned to me the duty of participating in the ceremonies of the occasion, by briefly alluding to the objects and inevitable tendencies of the proposed College.

In discharging this duty, I would first remark to the trustees and the citizens of this community generally—that they have certainly never engaged in an enterprise more creditable to themselves—more consistent with the purest purposes and the highest aims of the human heart, than the establishment in your midst, of a college for the education of females; and I am quite sure you have never been engaged in one so likely to

bestow the choicest blessings on society. Your railroads, your iron mills and cotton factories, are all well enough in their place. These have been useful, in giving employment to the laborer and the mechanic, and in adding to the general prosperity and wealth of the State; but those considerations sink into insignificance, when compared with the high purposes of this new enterprise. As much as the intellectual cultivation of woman rises, in our estimation, above the mere physical improvement of the country and the accumulation of wealth, must it stand above all others to which I have referred. Let me invoke you then, to make the maintenance and success of the Pennsylvania Female College a special care for the present. In its infancy let it have your aid and countenance, that you may enjoy the blessed fruits of its maturity. Let he who is rich give freely of his abundance, and he who is poor contribute his mite. Let the old speak words of encouragement—the vigorous extend a helping hand, and the young a willing patronage; for notwithstanding the fact that this institution is to be dedicated exclusively to the education of women, we shall not rate him a real man who withholds from it that support which he can well afford to give.

A better time for the establishment of a "Female College" than the present, or a more eligible location than this, could not be selected. The time is befitting, because the work cannot be done too soon. The location is desirable, as it is at the seat of Government of our great and prosperous Commonwealth, and surrounded by a rich and populous country. The citizens of Harrisburg, in addition, I am confident, are deeply impressed with the value of an institution of this kind, and are prepared to sustain and cherish it. In a community like this abounding in wealth and refinement—where the moral and social virtues are so generally cultivated—where individual efforts have been so effi-



cient in the promotion of literary and scholastic attainments an institution for the education of females, cannot fail. In the solid basis thus prepared in the moral, social, and I may say religious tone of feeling in this community, we have an ample guarantee for the triumph of this generous work.

But what next shall I say on this subject, the general principals of education, the manner of imparting them, their character and consequences, open a field so wide and so prolific of interesting thought, that I dare not attempt to examine the smallest of these ideas in detail, and yet the theme, in all its parts, is so enticing that it is hard to be forced to merely touch the surface as we run by. I have concluded, however, that a slight glance at the history of education in our State, might not be out of place, or entirely uninteresting.

We learn, then, that at a very early day, in the history of the Commonwealth, the cause of education received a measure of consideration from those in authority. In 1801, long before the adoption of the first constitution, under the auspices of the founder of our Commonwealth, the revered Penn, a charter was granted for a school, under the somewhat quaint or quakerish title of "The Overseers of the public schools founded in Philadelphia, at the request, cost and charges of the people of God called the Quakers." Subsequently this title was changed at the instance of Penn, himself, by the addition of the beautiful and significant motto: "Good instruction is better than riches." In 1753 a public school was established in Philadelphia, known as "The Academy and Charitable School, of the Province of Pennsylvania." In 1789, this institution became permanently merged in the University of Pennsylvania and as such it still flourishes with great vigor in the city of Philadelphia. "The Dickinson College" at Carlisle, was

next founded. It was opened about the year 1784. Then followed the "Jefferson" at Canonsburg and the "Washington" at the town of Washington, in 1802. Then sprung up a brood of smaller institutions in different parts of the State. Next the Legislature endowed academies in nearly every county of the Commonwealth, and these were followed by the erection of the log school house on every hill and in every dale in the State. Thus the cause of education was made to move hand in hand with the progress of civilization and improvement. The pioneers in the settlement of our State, whose brave hearts encountered the savage in his home, and whose strong arms subdued the forest, and made the "wilderness to bud and blossom as the rose" were not insensible to the value of education in the higher branches of science and literature. We should profit by their noble example, and catching the inspiration of their times, we should be willing to sacrifice much of individual purpose on the altar of the general good.

But the great event of all, in the history of education in our State, was the adoption of the Common School system. This institution was the off-spring of a constitutional injunction, and started under the auspices of wise heads, pure, benevolent and Christian hearts. The injunction in our first Constitution, and repeated in the second, "that the poor shall be taught" and "the arts and science promoted in one or more seminaries of learning" has not been an idle promise, "kept to the ear, and broken to the hope." But the mandate has been obeyed in its true sense. The rich as well as the poor, are now taught at the institution of the government—they meet on the same level, and partake of the same great fountain of truth and knowledge. Thanks to the good men and true, who have preceded us in the control of public affairs, and designed, founded and sustained our Common School

system. It should be our ambition and pride to cherish, perfect and extend it.

In all countries, and in all ages of the world education and knowledge have been essential to the happiness of the human race, and indispensably necessary to the attainment of great national honor, order and prosperity; "for education begetteth knowledge, and knowledge, righteousness, and the elevation of the moral faculties, and the diffusion of religious principles, is a work of the most transcendent importance to the people of a government like ours. Under this system, the mass of the people are the recognized source of all legitimate governmental power, and circumscribed by only a few general fundamental rules, which they can change in a prescribed way, they may be regarded as the government—as the authors and administrators of law—as the guardian of the public weal, and the dispensers of political favors. Their will gives direction to public affairs, and in the ratio that will is guided by a refined and intelligent judgment, may we expect the policy of the government to be wise and just. The means of education for the great body of the people, should therefore, bear a proper relation to the high functions devolved upon them by our fundamental law. To prepare the people for this high and sacred trust, should be the first care of the good and wise of all parties. The elector should be educated—should be intelligent—in order that he may make a virtuous and independent use of the prerogatives conferred upon him by our Constitution; for in this is found the principal safeguard for our republican institutions. That our forefathers were impressed with this idea, is clearly manifested in the constitutional injunction upon the Legislature to provide for the education of the poor. The idea is in harmony with our whole republican system, and the similitude of our common school system to our free institutions,

should endear it to every patriotic heart. It reflects the beauties of the principles of benevolence and equality, as found in our free government. As such, it should be cherished as a most sacred branch of our government as the strong arm of our defence as a people, as our gateway to knowledge and science as a common nursery for the youthful mind, in which shall be sown the seeds of knowledge, to be transplanted in the tender twig throughout the whole land—as the great trunk of our educational system, from which all the higher branches may spring—as the means by which the hidden gems of intellect often found in the ranks of poverty, may be brought to light, by which the fragrant flower, wasting its sweetness on the desert air may be transplanted to a genial and cultivated soil. To the poor, the needy and helpless youth, unbrought bounties of our Free School system comes like the dews from Heaven on the tender grass—like the morning sun on the opening bud, exercising a refreshing and invigorating influence leading to maturity and usefulness.

But I must not overlook entirely, the peculiar characteristics of this institution. It is intended, exclusively, for the education of females in the “various branches of science, literature and the learned and foreign languages.” I am, I must confess to you my fair hearers, no advocate of woman’s rights, as practiced by Lucretia Mott, Lucy Stone, Antoinette Brown, and others of your sex—nor am I an admirer, to any extent, of the Bloomer costume. But I go for your rights to an institution of this kind, with all my heart. I go for every means to develop the female mind, and every measure that is calculated to elevate and dignify the attributes of her character, and that is to make her approximate to the image of her maker to kindle and strengthen the intellectual flame, that it may consume the baser qualities of nature, and enable her to shine



forth as a light in society. I shall not therefore, annoy you by a serious inquiry into the propriety and utility of an institution intended specially to promote these ends, nor shall I wound the sensibilities of your nature, by suggesting, as has been gravely done, on similar occasions, that woman must be educated in the higher branches to make her a fit companion for man. This idea may be, indeed it is measurably correct, but the converse of all proposition, according to my view, is still more sound. Man should be educated to make him the fit companion for woman. But we can afford to drop this controversy and conclude that both should be educated, that the interest and happiness of one sex is involved in the education and correct moral training of the other. If only one was educated and refined both would be unhappy. Our original qualities are too similar, and our associations and sympathies through life, too identical to admit of so wide a separation. Nor should it be suggested that the female intellect is not equal to the higher branches of education. The power of the female mind has been sufficiently vindicated in the triumphs of Miss Somerville, of Miss Bowditch in mathematics and astronomy, in the elegant and heart stirring productions of Hannah Moore, of Miss Edgeworth, of Mrs. Hemans, of Miss Sedgwick, and a host of other brilliant contributors to the works of science and literature in Europe and in this country. Nature, however, has marked a field and sphere for both sexes and that sphere is equal to the physical, moral and intellectual qualities of each, and should be equal to the highest ambition. Woman, from her delicate form and finer sensibilities, may not be permitted to appear in the Halls of Legislation, nor to command on the field of battle. But in the domestic and the social circle, in the great work of constraining the youthful mind to right inclinations, in the formation of character, her influence is most potent. Much of the character of the son will depend

upon the training of the mother, the elevated principles, and correct moral precepts which she has implanted in the mind when free and susceptible, shines forth, and adorns and distinguishes the man. The world attributes all to him, and lavishes its glories on his head. The real work was that of an unseen mother. There is no such thing as overestimating the influence of a refined mother, wife, and sister, on the domestic and social circle, it acts like a magic spell in restraining vice and advancing virtue. The rudest man the earth ever bore, will cower and be restrained in the presence of a hightoned, refined lady. But, this blessed, this benign influence of woman, cannot be imparted by her without education, without that knowledge of the book of revelation and the book of nature, that alone can fit her for the great drama of life. Her education should not be for mere embellishment and empty show, but for practical use in the great work of life, to give her a clear conception of our moral nature and the work of Providence. A too free use of light literature, fiction, and poetry, I would not encourage. Moral philosophy, geology, botany, chemistry, astronomy, and history, are studies best calculated to impress the mind with great practical truths, and elevate our aims above the sensualities of this life.

Education, in its true sense; who can measure the magnitude of the work? What a blank this world would be without it? How far man would sink below even his present lamented condition. Deprived of it, he could rise but little above the animal creation. What a momentous work it presents? In the youthful mind is found a small intellectual spark, the elementary principles of an education, when applied to this are like light fuel to the weak embers. They serve to kindle and to strengthen it. To load this weak faculty at once with the heavy material of mathematics, would be to smother it—it could not stand under such a weight. The mind must be drawn forth by degrees,

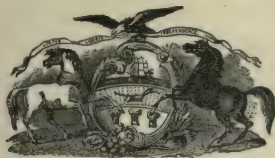
and he is a skillful master, who fully comprehends the science. The mind gradually expands until it discovers and subdues the most obstruse problems. The whole works of God and nature are opened up before it, as one vast rich field for contemplation. He who can so far dwell on these things, as to make them his principal source of happiness, so as thereby to quench the sensualities of the animal nature, has achieved the great triumph. He is on the way to intellectual eminence, and to the highest realities of earthly bliss. The examination of the already admitted developments of science, in reference to the material universe, the astronomy of the Heavens, the revelation of history and the pursuit of other discoveries, are studies calculated to awaken to the highest sensations of delight in the truly refined and christian heart. To think of a science that counts the motions of Heavenly bodies and foretells the coming eclipse of the sun for centuries in advance, that measures the almost boundless Heavens. Of another that navigates the trackless ocean by pointing from pole to pole. Of the physical science and mechanical arts which in our day have usurped the places of the labourer and mechanic. Of the operations of steam which are rapidly revolutionizing the commercial and social relations of the world, of the magnetic telegraph which has brought the people of each hemisphere of the globe into close communion. All these things are types and shadows of the wonderful works which man's intellect is to accomplish under the guidance of Heaven. Education must be at the bottom of all these triumphs of the mind. The intellect must be first drawn forth in its weakness, and cultivated and matured. To apply the divine idea of Solomon, to this process, the "end is better than the beginning." We must first have the bud and the blossom, and then the full grown fruit.

WILLIAM BIGLER.

Sept. 5, 1853.

Proclamation of a Day of Thanksgiving.—1853.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. WILLIAM BIGLER,  
Governor of the said Com-  
monwealth.

[Signed] Wm. Bigler.

#### A PROCLAMATION.

Fellow Citizens:



A merciful and beneficent Providence has blessed our country during the year that has just passed. His exceeding goodness calls for an earnest manifestation of our gratitude as a people. A firm belief in the existence of God, and a just conception of the perfections of his nature, of his attributes of infinite wisdom and power, of his boundless munificence and mercy, lies at the foundation of true religion, and constitute the basis of that righteousness that exalthe a nation.

An humble acknowledgment of dependence on the overruling care of "that God who measureth the ocean in the hollow of his hand" whose will controls the destiny of nations, and who yet condescends to feed the fowls of the air and clothe the lilies of the field, is an act of homage, eminently becoming a people so peculiarly favored as we have been. The blessings of peace have distinguished the closing year. With the entire family of States our relations are amicable, and give promise of a bright future. Our free institutions of Government have been perpetuated, and religious and political liberty vouchsafed to the people. The cause of education, morality and religion, have been



steadily on the advance; the arts and sciences have gained additional perfection, and all the great interests of the people, physical and moral have flourished.

In our own Commonwealth, the merciful care and boundless goodness of Providence, have been most strikingly manifested. We are under special obligations for his beneficence and mercy. The people have not only been spared the afflictions of the plague and pestilence, but they have been blessed with an abundance of the choicest productions of the earth. The seasons have passed in their regular order. Winter and Spring and summer have come and gone, and Autumn is now. "Seed time and harvest" we have had, and the husbandman has rejoiced in the rich rewards of his toil. The valleys and hills and plains have given of their abundance, to make glad the hearts of the people. The desolations of famine, which at present seem to threaten some of the nations of the Eastern continent, as do the devastations of war, have thus been turned from this people, by the strong arm of his power.

"The pestilence that walketh in darkness, and the destruction that wasteth at noon-day" whose ravages have sorely afflicted the citizens of surrounding States—have not been permitted to invade our favored Commonwealth. It has pleased a merciful Providence to restrain the hand of the destroyer, and to bestow on Pennsylvania a season of health and unalloyed prosperity.

These manifold blessings are the gift of God, and to Him our grateful acknowledgments should be devoutly made. Under the solemn convictions of duty, and in conformity with the wishes of many good citizens. I, Wm. Bigler, Gov. of the Commonwealth of Penna. do hereby appoint Thursday, the 24th day of Nov. next, as a day of general thanksgiving and praise throughout the State, and earnestly implore the people, that

setting aside all worldly pursuits on that day, they unite in offering thanks to Almighty God for his past goodness and mercy, and beseech Him for a continuance of his blessings.

Given under my hand and the Great Seal of the State, at Harrisburg, this seventeenth day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the Commonwealth the Seventy-eight.

By the Governor,

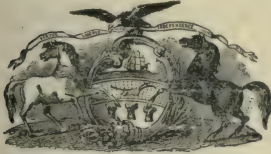
C. A. Black,

Secretary of the Commonwealth.

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Proclamation of the Election of John C. Knox as  
Judge of the Supreme Court.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Commonwealth of Pennsylvania. WILLIAM BIGLER,  
Governor of the said Commonwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Whereas, in and by An Act of the General Assembly of this Commonwealth passed the 15th day of April, A. D. 1851, entitled "An Act to provide for the election of Judges of the Several Courts of this Commonwealth and to regulate certain Judicial districts," it is enacted and provided as follows, viz:

Section 9. That on the first Tuesday in November next following any election authorized by this Act the

Secretary of the Commonwealth shall in the presence of the Governor, and such other citizens of this Commonwealth, as may choose to attend, Cause the returns made to him under the provisions hereof, to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his Proclamation, declaring so many of the persons voted for, for Judge of the Supreme Court as shall be required to be elected by this act, and who having received the highest number of votes to be duly elected.

And Whereas, The Secretary of the Commonwealth did, at the time and place, and in the Manner provided in the Act aforesaid, Cause the returns of the Election made to him to be opened, and the Votes cast for Judges of the Supreme Court to be accurately computed.

Now Therefore, in obedience to the requirement of the above recited Ninth Section of the Act of the General Assembly Aforesaid, I do hereby issue this Proclamation publishing and declaring that of the persons voted for for Judges of the Supreme Court of this Commonwealth at the late general election, held on the Second Tuesday of October last, to fill the vacancy occasioned by the death of the Hon. John B. Gibson, John C. Knox, having received the greatest number of votes, has been duly Elected.

Given under my hand and the Great Seal of the State at Harrisburg, this first day of November in the year of Our Lord one thousand eight hundred and fifty-three and of the Commonwealth the Seventy-eighth.

By the Governor,

C. A. Black,

Secretary of the Com'th.

## Annual Message to the Assembly—1854.

Gentlemen:

**A** BENEFICENT PROVIDENCE HAS FAVORED the people of our Commonwealth with a high degree of health and general prosperity during the year just closed, and with many other causes of pleasure and gratitude. Humbly acknowledging these blessings, let us ask His divine direction in the discharge of our official obligations.

It affords me unaffected delight to welcome the representatives of the people to the seat of government, and rely for a time, upon the aid of their combined wisdom in the administration of public affairs; as it is also a grateful task to perform the constitutional injunction that requires the executive to "communicate to the General Assembly information of the State of the Commonwealth," and make such suggestions and recommendations as the welfare of the people and the exigencies of the times may seem to demand; and to the discharge of this obligation I now proceed.

The receipts at the treasury for the year 1853, exclusive of loans, and including the actual balance in the treasury on the first day of December, 1852 (being \$671,037.72), amounted to the sum of \$5,952,474.47.

The payments for the same period, exclusive of loans and other extraordinary expenditures, make a total sum of \$4,134,048.47, being \$1,818,326.10 less than the receipts. Of this excess, \$505,057.55 was paid to the Commissioners of the Sinking Fund, and \$589,000 towards the payment of old debts and the construction of new works on the North Branch canal and Portage railroad, being part of the temporary loans authorized by the act of the nineteenth of April last; which, together with the balance in the treasury applicable to the redemption of out-



standing loans, reduces the actual balance on the first day of December last, to the sum of about six hundred and twenty-five thousand dollars, to be used in the payment of the February interest.

The receipts for the year 1854, including the balance in the treasury on the first of December, 1853, may, in my opinion, be safely estimated at \$5,846,417.34.

The expenditures for the same period, including \$250,000 for the payment of old debts on the public works and \$300,000 for the sinking fund, should not, and if proper care be taken, will not exceed the sum of \$4,500,000, leaving a balance in the treasury on the first of December, 1854, of \$1,340,417.34. Deducting from this \$625,000, the amount that should remain in the treasury to meet the interest due February 1, 1855, and we have a surplus revenue of over \$700,000.

It is thus made apparent to my mind, that the treasury will have the ability, during the coming year, to redeem the entire amount of the temporary loans now outstanding, and pay the debts to which I have already referred. But no additional drafts should be made upon it, without provision being first made for their payment.

At the time of my induction into office, the liabilities of the State were as follows, to wit:

|  |                |
|--|----------------|
| Six per cent. bonds, .....   | \$2,314,023 51 |
| Five..do....do. ....   | 36,704,458 03  |
| Four and one-half per cent. bonds, ...   | 198,200 00     |
| Relief notes, per act of May 4, 1841, ..   | 650,163 00     |
| Certificates for unpaid interest on the<br>public debt, for the years 1843, '44,<br>and '45, with their accumulated in-<br>terest, ..... | 204,680 20     |
| Domestic creditors' certificates, .....  | 82,932 74      |

---

Total liabilities, December 1, 1851, .... \$40,154,457 48

|  |            |
|--|------------|
| Add loan of April 2, 1852, for the completion of the North Branch canal, | 850,000 00 |
|--|------------|

---

\$41,004,457 48

From which take the following payments:

|                          |              |
|--------------------------|--------------|
| To the sinking fund, ... | \$681,469 83 |
|--------------------------|--------------|

|   |           |
|---|-----------|
| Interest on outstanding certificates, ..... | 50,752 91 |
|---|-----------|

---

732,222 47

Total amount of funded debt at this

|             |                 |
|-------------|-----------------|
| time, ..... | \$40,272,235 01 |
|-------------|-----------------|

To meet this apparent increase of \$117,777.53 of the public debt, it should be observed that, by the cancellation of six per cent. bonds, we have a saving of \$20,000 dollars annually to the treasury, which is equivalent to a virtual payment of \$400,000 dollars of the five per cent. bonds. The amount thus saved will be a permanent resource, without making any exaction from the people, and constitute a substantial addition to the sinking fund. It will be a virtual reduction of the public debt to the amount of \$282,222.47.

The floating liabilities and current demands upon the Treasury, at the period I have indicated, were as follows:

|  |              |
|--|--------------|
| Damages, balances on contracts, and for labor and materials on the public works, prior to January, 1852, and since paid, as appears on the books of the Auditor General, ..... | \$381,752 15 |
|--|--------------|

|                        |            |
|------------------------|------------|
| Temporary loans, ..... | 398,000 00 |
|------------------------|------------|

|                              |            |
|------------------------------|------------|
| Unpaid appropriations, ..... | 621,338 00 |
|------------------------------|------------|

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|              |                |
|--------------|----------------|
| Total, ..... | \$1,401,090 15 |
|--------------|----------------|

The floating liabilities of the Commonwealth, and current demands upon the treasury at this time, are:

|  |              |
|--|--------------|
| Railroad and canal debts, \$327,734 00 |              |
| Temporary loans, . . . . .             | 590,000 00   |
| Unpaid appropriations,..               | 305,695 00   |
|  | <hr/>        |
|  | 1,223,429 00 |

Difference between the two periods,.. \$177,661 15

It will thus appear that the floating liabilities are \$177,661.15 less than when I assumed the duties of my present station. It should be remarked that floating debt, as above stated, is no new thing. It has always existed to a greater or less degree, but has not usually been exhibited in this form. A balance of unpaid appropriations is unavoidable, and has not been so small for many years, as at present.

During the years 1852 and 1853, the following appropriations and payments have been made, towards the construction of new improvements:

|   |              |
|---|--------------|
| For re-laying the north track of the Columbia railroad, . . . . .                                     | \$355,500 00 |
| For the construction of a new road to avoid the inclined planes on the Alleghany mountains, . . . . . | 656,034 90   |
| For the completion of the Western reservoir, . . . . .  | 52,380 41    |
| For the North Branch canal, . . . . .   | 1,000,000 00 |
| For the new locks on the Delaware Division, . . . . .   | 80,000 00    |
|   | <hr/>        |

Total, . . . . . \$2,143,915 31

From the foregoing figures it is apparent that the operations of the treasury have exceeded our most sanguine expectations, yielding over a million of dollars annually above the ordinary charges and expenses; and showing, that if no new improvements had been in progress, two millions, at least, of the public debt could have been paid during the last two years. In addition to these extraordinary expenditures, there was paid out of the treasury during said period, in pur-

suance of laws passed prior to 1852: for the State Lunatic Asylum, \$70,700; for the publication of the Pennsylvania Archives and Colonial Records \$23,163.52; for the improvement of the State penitentiaries \$35,000; for the publication of Professor Rogers' geological survey \$16,000; for the preparation of registration books \$12,190.19; to the Sugar Valley and Deer Creek Turnpike company \$8,000.

It will readily be perceived, therefore, that should the appropriations hereafter be confined strictly to the ordinary expenses of government, we shall have an annual surplus revenue exceeding one million of dollars, applicable to the payment of the funded debt. That such should be the policy of the State, after the completion of the works now in progress, will not be doubted. The importance of such economy in view of the great end to be attained—the liquidation of the public debt—and consequent relief of the people from taxation for State purposes, is too manifest for argument. Entertaining these views, I could not give my assent to any new schemes of improvement by the State.

The operations on the public works for the year just closed do not present a very flattering picture, so far as relates to nett revenue. The aggregate amount of business was larger by twenty per cent. than that of any former year, and the gross receipts amounted to the sum of \$1,932,495.33, being an excess of but \$35,683.91 over the receipts of 1852. This increase of tonnage without a corresponding increase of receipts is the consequence of a very great reduction in the rate of tolls, a measure, in the opinion of the Canal Commissioners, demanded by public policy; and it may be said that whatever has been lost to the treasury was given to extend commerce and trade. The expenditures for the year, according to the report of the Canal Commissioners, amounted to the sum of \$1,177,742.75,



leaving a nett balance of \$754,752.58; but as this sum does not include any portion of the cost of new locomotive engines and the erection of farm bridges, the deduction of the proper proportion of these will leave the sum of \$704,752.58 as the actual net balance.

The receipts and expenditures and general operations on the Columbia railroad exhibit an encouraging state of affairs, as they also do on the North Branch canal and Delaware division; on the other divisions of the canal they are tolerable; but on the Allegheny Portage railroad, the condition of affairs is entirely unsatisfactory. The system of management heretofore practiced on that complicated and difficult work, would seem to demand a speedy and radical change. But the Executive, under the laws as they now are, having no control or direction over the public works, it is right and proper that I should leave the explanation of the details of their workings and management to the people's agents, who have charge of the whole subject.

I am, however, still entirely sanguine that with the necessary change in the system of management, the public improvements can be made to yield a very handsome revenue to the treasury; indeed, even for the last year, had the expenses on the mountain division been confined to a reasonable sum, the nett revenues would have reached near one million of dollars. Relieved from these absorbing demands by the construction of the new road, or in some other way, and we shall realize, by the year 1855, a net profit equal to the interest on twenty-two millions or more of the public debt.

The work on the railroad to avoid the inclined planes on the Allegheny mountains, has not progressed as rapidly as had been anticipated. It is the opinion of the engineer, however, as will appear on reference to his report, that should the necessary means be promptly furnished, the entire line could be completed during

the coming year. The grading for a double track is finished with the exception of four miles, and the cost of this balance, together with the expenses of laying down a single track, is estimated at six hundred and five thousand dollars, in addition to the value of the old track. The engineer also estimates the annual saving, as compared with the expenditures on the old road, on a business equal to that of 1852, at two hundred and ninety thousand dollars. He also states that the road between plane No. 4 and Hollidaysburg, with a double track, will cost about eight hundred thousand dollars less than the Pennsylvania railroad, for a like distance.

Viewed in every aspect, it must be confessed that this branch of the public affairs presents an embarrassing alternative. The prompt completion of the new work will involve the expenditure of more capital than the State can command without resorting to farther temporary loans; whilst, on the other hand, the maintenance of the old road, at a cost of four hundred and fifty thousand dollars per annum, is quite out of the question. Its exhausting demands on the treasury must be speedily obviated, and for my part I can see no mode of doing this except by the completion of the new road.

At the time I assumed the duties of my present station, I found this work in progress of construction; the western slope up to the summit having been placed under contract during the summer of 1851. On referring to the reports of the Canal Commissioners and the engineer, the only data which I could properly consult as to the policy of the measure, I found that the total cost of a single track was estimated at \$1,015,000. The materials on the old road were valued at \$248,650, which together with the appropriations previously made, reduced the amount to be provided to complete the work to the meagre sum of \$591,350. With these

calculations before me, and even adding a larger amount for errors in the estimates, and the enormous expenditures of the old road in full view, I could not doubt the expediency and economy of the measure. But the unusual advance in the price of labor, material and subsistence, added to the obvious errors in the estimates, has changed the entire aspect of this enterprise. The sum of \$650,000 has been appropriated since that time, and over six hundred thousand dollars is still required with the value of the old road, to bring the line into use.

The estimated cost of completing the North Branch canal, at the period already named, was \$772,000. One million of dollars has since been paid, and a sum exceeding one hundred and fifty thousand dollars is still required to pay for its completion. With such unexpected demands upon the treasury within the short space of two years, it would not be unreasonable to expect an increase of the liabilities of the State; but it is alike gratifying and astonishing to know, that this has not occurred.

The Junction canal, extending from the New York line to Elmira, will be ready for business during the present month, and the State work from Pittston to the dam at Athens, a distance of ninety-three miles, has been completed. The only unfinished part of the work lies between Athens and the State line, a space of about two and a half miles, the construction of which was delayed by an effort of the Canal Commissioners and the Governor, under an act of Assembly, to negotiate with the Junction canal company for its completion. But even this section, I am assured, will be ready in ample time for the spring trade.

These works will complete the last link in a continuous water communication between the Chesapeake bay and the northern lakes. The struggle for this achievement has been long and arduous, covering near-

ly a quarter of a century. But the triumph is still a brilliant one, and must be cause of gratification to the people of the entire State.

Most auspicious and promising is it for the enterprising inhabitants of Northern Pennsylvania, to whose untiring efforts its final consummation may be mainly attributed. Through this channel, in the early part of next season, and during each succeeding year, Pennsylvania will send greeting, to the people of a neighboring state—the evidence of fraternal affection—the assurance of political fidelity, and the blessings of an extended commerce, in the shape of inland vessels, freighted with her richest minerals, and receive in return, as she certainly will be offered, from the vast vallies of the Empire State, now teeming with wealth in all its variety, assurances of full reciprocity, in affection, fidelity and commerce. And in due time the coffers of the State, I am confident, will receive an ample reward from these new relations of trade. Indeed, on this point, the large increase of profits on the old line, for the year just closed, furnishes the most reliable indication of what we may anticipate from the new. The constantly increasing demand for coal, outrunning, as it has done for years past, the means of supply, justifies, if it does not force upon us the conclusion, that so soon as boats can be constructed, and proper business connexions formed, this canal will be patronized up to its full capacity. A glance at the vast, rich and populous section of country which it will be called upon to supply with coal, for every imaginable purpose, domestic, mechanical and manufacturing and at the facilities offered by the New York canals and the lakes, to reach all points of that country, must satisfy the most sceptical as to the value and importance of this improvement.

I congratulate you, therefore, upon the consummation of an enterprize which will be thus profitable to the State, and beneficial to the people.



The expediency of selling the public works has been a topic of discussion in the press of the State for some months past, and without indicating a policy for the General Assembly, or intending the slightest discourtesy to the people's agents to whom the management of this branch of public affairs has been confided, I have deemed it my duty to discuss some of the considerations incident to and growing out of the proposition.

Indeed, it would be unreasonable to assume either the affirmative or negative of the question, and expect to be properly understood, without some explanation as to the price of the works and the conditions of sale.

It is fair to presume that those who advocate the affirmative have distinct ideas as to what the price should be, and that unless such consideration can be realized they would not agree to sell.

The first inquiry therefore is, why should these works be sold? The answer usually given is, that the measure is necessary to reduce the State debt and to relieve the people from taxation. These are great objects indeed, and should, as I have no doubt they will, receive your earnest consideration; their realization however, must depend mainly upon the price obtained.

Should the interest on the public debt liquidated by the sale be less than the net profits arising from the works, then it would be false economy to sell. In that case the measure would not be one of relief to the people, but must necessarily increase their yearly burthens.

And what reason is there to suppose that more can be obtained? Capitalists, it will be conceded, when weighing the question of a purchase, will make the net profits on their investments the basis of all their calculations. They will look at the past operations of these works, in connexion with their prospects in the future—carefully considering every fact and circum-

stance bearing on their real value; and, it is scarcely necessary to remark, will only buy when perfectly satisfied that they have the best of the bargain. In attempting to determine the question of value, it will be perceived, therefore, that the inquiries, examinations and motives of buyer and seller, must necessarily be identical.

It is apparent then, that the effect of competition on the value of these works; the inroads which may be made by science and mechanic arts on every description of transportation facilities now in existence; the casualties that may result to them from the elements; in short, the mutability of human structures, and the propriety of simplifying the duties of government, must constitute, mainly the considerations in favor of a separation between the State and her improvements.

On the other hand will be presented the hopes of future business and increased profits to the treasury, predicated upon the rapid growth of the Commonwealth; her vast and varied resources, and the influence of these upon transportation within her limits; the increasing demand for facilities to transmit her products to market; the endless consumption and unlimited supply of her great staples of coal and iron, and their proximity to her works at all points; the enlarged products of agriculture, and the rich variety of manufactures, so rapidly multiplying in every part of the State, constituting at once a home business, with ages of duration before it, which no human agency can disturb, and which must contribute at all times a fair income to the government. In addition to these considerations against a sale, may be urged the necessity which would be presented for the creation of a number of corporations, having a community of interest and feeling with similar bodies already in existence, and the danger of thus inducing the organization of a controlling power in the Commonwealth.

But it is said that companies can manage these works with greater skill and economy than the State, and for that reason they would be most valuable in the hands of the former, and that the State can realize this difference by a sale. It must be confessed, that it is to these considerations, and these only, that we can look for arguments to sustain the idea that the State can gain any thing, pecuniarily, by a sale of her improvements. That the difference in the expenses of the management of the works would amount to a fair per centage, in the estimation of some capitalists, I have no doubt; but it is not so great as estimated by some. Indeed, certain portions of our own works are now well managed, and it is hoped and believed that such changes can be made in the system of direction now practiced by the State, as to lead to general skill and economy.

But the main question will be the minimum price that shall be fixed on these improvements; and the proper disposition of this, it must be readily seen, will demand much careful examination. And in reference to this point, the wisest and best may honestly differ, for the issue belongs mainly to the future, and can only be anticipated from the results of the past. To these we may look for a moment.

For the years 1852 and 1853, the net receipts may be put down as equal to the annual interest upon about fifteen millions of the public debt; and I am inclined to believe that, without any increase of trade except on the North Branch, the net profits for the ensuing year may be estimated at a sum equal to the interest on seventeen or eighteen millions of the debt, and that the completion of the road over the mountains, or relief in some other way, from the leeching demands of that portion of our improvements, will see the net revenues, from this source, swelled to a sum equal to the interest upon twenty-two millions of the State bonds.

If it be desirable to sell the public works, we should not underrate their importance, nor is it just to disparage the wisdom of their founders. We are prone to murmur against the policy that dictated their construction, because of the debt we have thus incurred, and yet, if the proposition were submitted to cancel this liability by their destruction or disuse, we should be compelled to reject it.

At the time of its adoption, this policy was necessary and proper. Avenues of this kind through the body of the State, to convey her vast productions to market, are as indispensable to her vigorous growth and physical development as are the veins and arteries to the human system, to give circulation to the blood and consequent health and vigor to the body. To stop or clog these, in either case, would produce stagnation and ultimate destruction.

Without reference to the abstract question of a sale, I may say, that under no circumstances should we entertain the proposition to part with the public works by the creation of a joint stock company, as heretofore repeatedly proposed, by which the Commonwealth is to remain a large shareholder, but the direction to be in the hands of individuals or corporations, associated with her in the ownership. I have always regarded this as a most dangerous and insidious measure. If the proposition to sell be seriously entertained, under the present condition of the money market, it should be based on the idea of a bona fide sale, for a full compensation, in exchange for the bonds of the State, and under such salutary reservations and restrictions as the interests of the people may demand.

But it is urged by many that the State's system of managing the public works is susceptible of improvement—that much can be done by judicious reforms to augment the receipts to the treasury, and facilitate the



business of transportation; and, as much of this system results from positive law, it may not be deemed officious on my part to make suggestions on the subject.

In a special message, communicated to the General Assembly, soon after my induction into office, I advocated the policy of making cash payments for labor and materials, and the interdiction by law of the creation of debt by the officers on the public works, and made allusion to other radical defects in the system, which could scarcely be reached by the Canal Board. To some of these I shall now briefly allude.

In the first place, it is impossible to avoid the creation of debts, if the appropriations be insufficient to meet unavoidable expenditures. The business of transportation and travel on these highways must be kept up, whether the expenses be paid or not. These circumstances have defeated, to some extent, the administration of the law of May, 1852, requiring cash payments and prompt settlements by the officers on these works, and prohibiting the creation of debts. This result, I regret, for I am still decidedly of the opinion, that no other change in the system is so likely to beget economy, purity and efficiency in their general direction. For the last year, however, this law was strictly carried out on some of the divisions, and it is sincerely desired that hereafter the practice may be extended to all.

I need not discuss the consequences of the custom of making debts on the public works—its errors are too palpable to need refutation by argument; and I shall only repeat what I substantially said to the General Assembly on a former occasion, that in addition to the opportunity it afforded for extortion off the State, if not actual fraud upon the treasury, the idea that officers, for the time being, should be allowed to scatter the credit of the Commonwealth broadcast, to be discovered and redeemed, at some future period, by their

successors, is a monstrosity in the economy of public affairs.

There seems to be some plausibility, if not actual truth, in the allegation, that the State's management of these works is expensive and inefficient; and yet it is not clear to my mind, that treated as a mere business affair, her supervision would not be as cheap and efficient as that of corporations and individuals. But the instability of her agencies renders accuracy and economy exceedingly difficult. Her periodical change of officers has always deprived her of the benefit of experience in this work; and this, in any business, you will agree with me, is equivalent to a fair profit, and that it is eminently so in the repair and general supervision of railroads and canals. This shifting practice has had the effect of making her works a species of Normal schools for the education of engineers and supervisors to take charge of other improvements. This instability results from the recognition of places on the State works, as political offices, instead of scientific and mechanical work-shops; and bringing to bear on their control and direction, our notions of rotation and short tenure in office. These ideas are sound and republican, and should never be disregarded, in reference to the offices appertaining to our political organization as a government; but it must be conceded that a mere business operation to make money, in competition with the creatures of government and the efforts of individuals, was not contemplated as an office in the organic law of the State; and hence, it is not strange, that the principles proper for one do not apply usefully to the other. What, I would inquire, would be the condition of the Reading railroad, the Pennsylvania railroad and other similar works, were they required to change their engineers and superintendents, at short periods, and bring strangers into their employ? The answer may be readily discovered in the State's experi-

ence. I have long been of opinion that in reference to all the subordinates of the Canal Commissioners, changes should not be periodical and prefixed, but should be made as demanded by the exigencies of the public service. The delinquent in any one of the obligations of duty should be dismissed at once, and the only guaranty of continued employment should be found in the superiority of the services rendered the State. All other rules for appointment and dismissal should be speedily obliterated from the system. The present practice deprives the State, to a great extent, of the benefit of that incentive to excel, which actuates all men where character, position and emoluments are at stake. Of course, my suggestions in reference to the importance of experience will not be understood as applying to all the agents on the works; for instance, it requires but little experience to make a collector, but it has and always will require this to render an agent efficient in the construction and repair of railroads and canals, to foresee exigencies and give harmonious direction to the current operations of this complicated branch of public service. In short, the management wants the application of business organization and principles. A system of books should supplant the use of check rolls, and the operations be so systematized that the receipts and expenditures of each month, as the season passes by, could be announced to the public.

Confusion, obscurity and redundancy in our annual volume of laws—vexatious inroads upon private rights—attempts at the usurpation of power and consequent strivings and litigations, are, in my opinion, the legitimate fruits of our system of special and omnibus legislation. Indeed, the truth of these propositions is too palpable to admit of argument. It is manifested in every year's experience, and in some instances the government, as a consequence, has been forced into the

humiliating position of becoming a litigant against her own creatures. Its demoralizing influence is marked and admitted on all hands and imperiously demands an efficient remedy. That the present General Assembly may be distinguished and blessed for applying the axe at the root of the evil, and marking the era of its final termination, is my sincere hope.

A prolific source of mischief consists in the practice of passing a number of laws, entirely dissimilar in their characteristics, in the same bill, or in what is familiarly known as the "Omnibus System." The inevitable, and indeed the frequently lamented effect of this mode of legislation, has been to facilitate the passage of bills through the General Assembly, and to secure the sanction of the Executive without that critical examination so indispensable to a clear comprehension of their true import. In illustration of the difficulties which the practice imposes upon this branch of the government, it is only necessary to state, that within two days preceeding the final adjournment of the last Legislature, no less than one hundred and six bills were presented for Executive consideration, containing three hundred and thirty-four different subjects. Some of these bill contained as many as twenty dissimilar items of legislation; and of these, some were not even indicated by the transcribed title.

In addition to the difficulty of comprehending the import of such a heterogenous mass of matter, the Executive frequently finds himself forced into the dilemma of signing a law which his judgment rejects, or returning another which he really approves. Neither alternative, you will agree with me, is in strict accordance with the mandates of the Constitution. Great inconvenience also results to the people, under this system, in the payment of the enrolment tax upon private laws. In bills, such as I have already described, may be found a number of items, some taxable, and others



not, and the bill must be enrolled under its proper number and title, and the tax be first paid. One party interested in this legislation may pay his share, another will refuse to do so, and a third, on seeing the amount of the tax, concludes that he can live without the law; and thus it has been no uncommon thing for persons to be forced to pay tax on laws in which they have no interest, in order to avail themselves of what the Legislature had expressly granted. Such a state of affairs is scarcely consistent with the dignity of a great State, and certainly demands an efficient remedy.

Some of my predecessors have urged the General Assembly to change this system, and in several previous communications, I have suggested the propriety and justice of passing each proposition separately, at least so far as the objects were dissimilar. But the evil still exists, and I am deeply sensible of the difficulty which the application of a prompt and effectual remedy must always present to the General Assembly. After much reflection on the magnitude of this evil—its vexatious inroads upon private rights, and its demoralizing tendency upon the interests of the people, and the more elevated purposes of legislation, I have determined to co-operate with the General Assembly in the application of the most efficient means which their wisdom may devise for its removal; but in the mean time, as a restraining part of the law-making power, I must beg to be indulged in claiming the privilege of considering each subject of legislation separately, and on its own merits, as contemplated by the spirit of the Constitution. Henceforth, therefore, bills containing a variety of subjects of legislation, dissimilar in their character and purposes, cannot receive the sanction of the present Executive.

Another branch of the evil, and if possible a still greater one, consists of special and local legislation. It is to this practice that we are mainly indebted for an

annual volume of laws of most unseemly dimensions, and for a separate code for nearly every locality in the State. The remedy for this must be found in the adoption of a few more general laws, and the rigid administration of those already in existence. Special acts, you will agree with me, should in no instance be passed where the object can be reached under general laws.

The law of 1791 and its several supplements make provision for the creation and amendment of corporations for literary, charitable and religious purposes, and to create beneficiary societies and fire engine and hose companies, through the instrumentality of the Attorney General and the Supreme Court. The act of the thirteenth of October, 1829, extended this power to the courts of the several counties. The acts of 1836 and 1838 make provision for the association of individuals through the instrumentality of the Attorney General and the Governor, for the purpose of manufacturing iron from mineral coal. In addition to these acts, the law to encourage manufacturing, passed in 1849, and its supplements, provide for associations for the purpose of manufacturing woolen, cotton, flax and silk goods, or for making iron, glass, salt, paper, lumber, oil from rosin, mineral paints, artificial slate, and for printing and publishing; and the supplement of 1853 extends its provisions, in a modified form, to the business of mining of almost every description.

On the subject of erecting new townships and incorporating boroughs, the courts have unlimited power; and in the matter of selling real estate, the property of minors, by guardians, executors or others, acting in a fiduciary capacity, the act of last session on this subject will, in my opinion, reach every imaginable case. Its provisions should not be infringed, for the subject belongs most legitimately to the courts.

I can see no reason why the power to designate election houses should not be confided to the commission-

ers of the several counties. These officers are usually familiar with the localities, and can readily determine what arrangement would best subserve the convenience of the electors. In addition to the fact, which will not be disputed, that this business receives but partial consideration in the Legislature it is objectionable, because of the great space it annually occupies in the journals and laws. I am aware, however, that it has been suggested that the laws of the United States provide that the places for holding the elections for Members of Congress shall be fixed by the Legislature of the several States, and that, therefore, the end in view cannot be attained. In answer to this objection, it may be remarked, that the Legislature having in other instances delegated doubtful powers, such as the right to make paper money, it is scarcely necessary to raise the question of the right to delegate a function so expressly conferred.

A large number of the laws of the last session consist of special acts to incorporate companies to construct plank roads. This object, right and proper in itself, might it seems to me, be reached by a general law, authorizing the association of any number of citizens to construct these highways on proper conditions.

In former communications I have held the doctrine, that but little legislation of any kind was essential to the ends of mere business enterprise—to promote objects understood by all and within the reach of moderate means; and that most certainly, whatever might be deemed expedient should be general in its character. That the Legislature had no moral right to grant special advantages to one citizen and deny them to another; and I have declined to approve any act on this subject, where the corporators were not made liable in their individual estates for the debts of the corporation.

No clearer evidence, it seems to me, can be furnished to show that much of this special legislation is sought and is valuable only because it is special, than is found in its own history. It will be remembered by many of you, that during the administration of Governor Shunk, numerous applications were made for special acts to incorporate manufacturing companies, and that the Governor refused to give his assent to their passage. In 1849, a general law to encourage manufacturing, liberal in its provisions, was adopted, and you will be astonished to learn that at this time there are not a dozen companies in existence under it. During the sessions of 1852 and 1853, much time was consumed in the consideration of special acts to incorporate mining companies. Near the close of the last session a general law on the subject, applicable to all the counties in the State except six, was passed, and although this law is as favorable in its terms as the special acts solicited, but a single application has been made under it for mining purposes; and even in this instance operations have not been commenced. These are significant facts, and in my opinion will fully justify the rejection of all special acts on the subject in the future. I can see no reason why this general law should not be extended to the balance of the State, if the people desire to have it; but no special act to organize companies within the counties not included in the general law, can receive my approval, and such as are now in my possession of this character, will be returned without the Executive sanction.

At the date of my last annual message, proceedings were pending in the Supreme Court of Pennsylvania, to test the right of the Franklin canal company to construct a railroad from the city of Erie to the Ohio State line. The decision of the Court was against the company on the main point, and the opinion of Chief Justice Black shows most



clearly that the construction of their road was without authority of law, but the preliminary injunction prayed for by the complainant was refused, on the ground that the Commonwealth could not, under the law, give security for costs. The effect of this decision was to place the privileges claimed by the company within the control of the Legislature. In anticipation of this result, I had suggested to the General Assembly the propriety of taking charge of these valuable rights, and so far as might be practicable, without the exercise of an illiberal principle, render this important link of communication, between the sea-board and the great west, subservient to the interests of the people of Pennsylvania. The subject was considered, but not finally disposed of.

In May last I received a communication from the president of the company, covering the proceedings of a meeting of the board of directors, in which, after allusion to the action of the Supreme Court and the Legislature, a number of propositions were submitted, indicating the willingness of the company to pay certain rates of taxation for the unrestrained use of the road, until after the coming session of the Legislature, or until that branch of government should act on the subject. Believing that I had no right to make conditions with the company, or even to receive the money which they were willing to pay, I declined to entertain the proposition. The relations of the company toward the State, therefore, have undergone no change since the adjournment of the last Legislature, except that the Attorney General has recently taken measures to obtain a final decree in the plea for an injunction and by writ of quo warranto to revoke the franchises claimed by the company.

Recent occurrences at the city of Erie evince an intensity of feeling amongst the people, seldom equaled on a question of this kind, indicating not only the pro-

priety, but necessity, for prompt and decisive legislative action, as to the rights of this company.

It must be clear to the impartial observer, that the Legislature never intended, by any previous act, to authorize the construction of a railroad between the city of Erie and the Ohio line. Indeed, the highest judicial tribunal in the State has expressed the opinion, that no such authority can be found in the charter of the Franklin canal company; and, in my opinion, the grant should hereafter be made on such conditions only, as will protect and advance the interests of the people of Pennsylvania, so far as they may be involved in the subject. It so happens that Pennsylvania holds the key to this important link of connexion between the East and the West, and I most unhesitatingly say, that where no principle of amity or commerce is to be violated, it is the right and the duty of the State to turn her natural advantages to the promotion of the views and welfare of her own people.

It may be said that a restriction that would require a break of railroad guage at the harbour of Erie, would be the use of an illiberal principle. The answer is, that the necessity for a break of guage between the Ohio line and the seaboard exists, as a consequence of a difference in the width of the New York and Ohio roads. The only question to settle, therefore, relates to the point at which it should occur. I have been able to discover no reasons, founded in public policy, why the break should be fixed at Buffalo, that do not apply with equal force in favor of Erie. Tonnage and passengers can be as well transhipped at the latter as at the former city.

So far as concerns the benefits to either city, incident to a transhipment, the idea is unworthy of notice. But the effects of a break of guage, and consequent transhipment east of Erie, upon the business of that harbour, must be paralyzing, if not fatal. It would virtually require shipments to be made either

at Cleveland or Buffalo. Scarcely less embarrassing would this arrangement be upon the interests of the Sunbury and Erie road, or any other avenue that may hereafter connect the lakes with the city of Philadelphia.

It may be that neighboring states, possessing similar natural advantages, would give them away for our benefit, but I have not been able to discover any fact in their former policy, to justify such a conclusion. I shall await your action with anxiety.

The subscriptions of the cities of Philadelphia and Pittsburgh to the stock of the Pennsylvania railroad, and the prompt payment of the interest on the same, together with the flattering prospects of that improvement, had the effect of extending the belief that municipal subscriptions could be safely made to any similar enterprize—that such subscriptions were in truth, what had been alleged by some, a mere loan of the credit of the respective municipal corporations, and that neither principal nor interest would ever be demanded.

The consequences of this plausible and seductive doctrine were promptly manifested in the form of numerous applications for legislative authority to municipal bodies to subscribe to railroad stocks in various parts of the State. These application were invariably pressed on the plea of promoting public convenience and the general prosperity, and a number of laws of this character were adopted. So far as these apply to cities and boroughs, their operation has been rather successful; but when applied to counties it has certainly been much less so; failing in some instances, and in others leading to violent controvercies amongst the people, destructive to the value of the municipal bonds thus created. Viewed in every aspect, as a mere question of expediency, the experiments already made would seem to weigh heavily against the policy of such subscriptions; indeed, I have no hesitation in

saying that the aversion I have always entertained towards this principle, and especially its extension to counties, has been greatly strengthened by this experience; and we should now, it seems to me, as a prudent people, profit by this lesson and avoid the practice in the future. Always doubting the policy of such subscriptions, and declaring my views freely against them, I have not felt required to interpose the Executive prerogative against the judgment of the people directly interested in the question; or in other words, to judge for citizens of a particular locality on a subject relating merely to their pecuniary interests, or to resist the wishes of their immediate representatives.

In a communication addressed to the General Assembly in March, 1852, on this subject, I remarked, "that the power to subscribe should never be exercised by municipal corporations, unless the interests of the people represented by such authority are directly and certainly identified with the project on which the money is to be expended. The operation of the principle may be equitable, when applied to the people of a city or town, whose interests are identical, but when applied to the people of a county, it may not be so. On the contrary, it may prove most unjust and oppressive—subjecting the people to burthens in the shape of taxes for the construction of public improvements, from which they may never realize benefit, direct or remote. The people in one section of a county may derive valuable advantages from the construction of a public work, whilst those of another section, equally taxed for the payment of the interest and principal of the debt, so contracted, may possibly realize no benefit at all." It is to these effects that may be attributed the violent contests that have grown up in certain counties, to which the principle has been extended.

In the State of Ohio, where this dangerous practice also prevailed, a constitutional prohibition has been deemed necessary by the people, and municipal sub-



scriptions cannot now be made, even with the assent of those affected by the measure. The experience of that State, as I have learned, was alike against the practice of making improvements in this way, and that in the end, it became inefficient, through the disposition of capitalists and others to rely alone upon municipal corporations for the means of constructing public improvements. I am decidedly of the opinion, that a similar decision would and should be made by the people of this State, when the proper opportunity is presented. In the mean time, this insidious and dangerous mode of contracting debts should be guarded against with the utmost vigilance. I shall indulge the hope, that all future applications for legislation of this character, may be rejected by the General Assembly.

It is my duty to inform you that \$528,351 of the relief issues of May, 1841, are still in existence, and continue to pollute the channels of circulation. Under the provisions of the act of April last, \$121,812 of these notes, of a less denomination than five dollars, have been cancelled, and the whole amount can, under this law, be ultimately extinguished. But the process has not been so rapid as was anticipated, nor is it sufficiently so to meet the demands of the public weal. I respectfully suggest, therefore, that the law be so amended as to make it the duty of the State Treasurer to retain from time to time, as near as practicable, the amount, in relief notes, necessary to meet the entire demands of the sinking fund. I also recommend the repeal of the act of April 10, 1849, authorizing the re-issue of this currency.

The occurrences of the past year greatly strengthens the views I expressed in my last annual message, on the subject of the currency. The dangers of an inflated paper system have been most strikingly manifested in the experience of a number of the surrounding States, and nothing, in my opinion, saved our own metropolis, and possibly other parts of the State, from

the consequences of a severe contraction of the currency, but our vast agricultural and mineral productions, and the unusually high prices which these commanded in foreign markets.

I have always held the doctrine, that our country, like all others, must have a system of currency; and whilst, therefore, I have resisted the excessive increase of banking capital, I have not sought to uproot, entirely, the system we have. That it is the best that the wit of man could devise, is not believed, nor is it probable that the authors of this paper system, enjoying the experience of the present age and possessing the vast amount of coin now in existence, would have entailed this evil upon us. But we have it, and the best we can do is to mitigate its consequences whilst it endures, and throw it off by degrees. I believe that the Pennsylvania system of paper money, resting on a specie basis, small as it is, and the individual liability of the stockholders, is as safe as any other. I prefer it vastly to the loose plan existing in some of the neighboring States, or to the scheme of free banking adopted in other sections of the Union.

That any system of banking that authorizes the emission of small paper as a medium of circulation, must entail evil consequences upon the country, has been too clearly demonstrated by our own experience to need elucidation by argument. It is believed, therefore, that it is the true policy of this and of all the States, to restrict the paper circulation to notes of a large denomination. Those of a small denomination should be gradually withdrawn from circulation, in order to make room for the vast accessions of the precious metals from California and Australia. In vain shall we seek to disseminate coins throughout the country, and induce their circulation at points remote from the Atlantic cities so long as small paper is permitted to exist. If notes of the denomination of five

dollars were withdrawn from the channels of circulation, the vacuum thus created would be rapidly supplied with gold and silver, and so also with those of a greater nominal value. But so long as this paper medium is permitted to circulate, it will be impracticable to induce the general diffusion of coin. The people inquire why it is, that with the vast increase of gold so little is seen. The answer is, that bank notes always intervene. The trader, merchant and others retain the coin and pay out the paper; and the only remedy is to be found in the removal of the latter. There is, perhaps, no principle applicable to this question better settled, than that which proves, that two kinds of currency, differing in value, will not circulate together. The least valuable will constantly be obtruded, whilst the more precious will be displaced. The gradual withdrawal of the smaller denomination of paper, presents to my mind, the greatest practical reform that can be applied to our system of currency. The exchange of one paper system for another, and the incorporation of restrictions on this or that point of the one we have, although often right and necessary, can never eradicate the evil.

I would not, however, be understood as favoring a very sudden alteration in our system of currency, regarding, as I do, all violent changes in the policy of government as unjust and oppressive. All the business arrangements of the country are based upon our present plan, and it is so interwoven with the general affairs of life as to forbid its rapid withdrawal. But the beginning should be made, and we should prepare to throw off a system which will in the future, to a greater extent, perhaps, than in the past, render our country tributary to her rivals, and make our people "hewers of wood and drawers of water to other nations." No other reform in the political policy of this nation, I sincerely believe, would have such a direct

tendency to promote all the great interests of the American people. A practical, safe and efficient mode of carrying out this work, is to be found in the gradual extinguishment of bank notes of a small denomination.

This reform, however, to be complete, and to give the people the full benefit of its salutary effects upon our commercial operations with other nations, must be common to the whole country. The efforts of a single member of the Confederacy, however thorough and well directed, can achieve but partial success. Even in a local point of view they can scarcely exercise a controlling influence. For instance, vacuums in the channels of paper circulation in one State are too liable to be supplied by the issues of others, interdicted, though the circulation of the latter may be, by positive law. These considerations have suggested the importance of a simultaneous action of the States on the subject, and it has occurred to my mind, that a convention of delegates from each, appointed by the respective legislatures, might be a good mode of directing public attention to the subject, and securing efficient action.

In the mean time, our State can take the lead in this work, as she can also carefully restrict the evil tendencies of the present system, by requiring the institutions now in existence to make more frequent settlements, and render more efficient her present system, by confining the amount of banking capital, as a basis of paper issues, to the lowest point consistent with the demands of legitimate business. I believe the amount we now have comes up to this standard, and that the best interests of the people require that it should not be increased.

Efforts, extensive, energetic, and highly commendable are being made in all parts of the country to advance the interests of agriculture, by the dissemination of correct information concerning this great pur-



suit, and in this way bestow upon the farmer, the blessings of a scientific, as well as a greatly refined practical understanding of the whole work in which he is engaged.

Pennsylvania, so eminently an agricultural State, and therefore so deeply interested, cannot be indifferent to the merits of this enterprize. Her best energies may wisely be exercised to secure its success. Already much has been accomplished in the way of removing prejudices heretofore extensively cherished against any system of agricultural education, and by the extinguishment of doubts as to the utility, or even the practicability, of applying the principles of science to the business of farming.

The belief that these principles can be so applied, I am gratified to perceive is rapidly gaining popular favor. Indeed, the experiments which have been made in this country and in Europe, clearly establish the utility of scientific farming, and in both, the necessity for such a system is manifest.

A proper understanding of the constituent elements of the soil—the influence of these in the production of vegetable matter—the means of maintaining these elements in their original strength—the nature of stimulants for the soil, and their proper use—the quality of seeds, and the breed of animals, make up the main features of this system. These subjects will constitute an agreeable, and I have no doubt, a highly advantageous study for the farming community.

In my last annual message I suggested the propriety of appointing an Agricultural Chemist, to be paid a moderate salary, and whose labors should be given to the State and county societies. I still entertain the opinion that such an officer, surrounded by proper opportunities, could render great service to the cause of agriculture.

The utility of establishing an agricultural college,

with a model farm attached, wherein the principles of a scientific cultivation of the soil and manual labor in that pursuit would be joined to the usual academical studies, has been strongly urged upon my attention. Such an institution and system of education, it is believed, would at the same time improve the physical and moral condition of the professional and mercantile classes, and promote the social and intellectual attainments of the agriculturist, mechanic and laborer, in addition to the vast benefits it would confer upon the pursuit of the farmer. These considerations, and others which will doubtless be presented by the advocates of the proposed institution, will commend the subject to your favorable consideration. It is believed that such an institution can be successfully organized under the auspices of the State and county societies.

A highly useful institution has recently been organized at Philadelphia, under the auspices of liberal and patriotic citizens of that city and vicinity, in pursuance of an act of the last session, named "The Polytechnic College of Pennsylvania," in which the education of youth in a practical knowledge of mining, manufacturing and the mechanic arts is united with the ordinary literary studies. Surely, as much can be done to impart a practical understanding of the pursuit of the farmer.

Within a few years past the general government has expended a large sum of money in the construction of a dry dock at the Philadelphia navy yard, with a railway attached, to facilitate the operation of raising and repairing vessels. A survey of the Delaware river has also been made, which justifies the opinion that there is a sufficient depth of water in its channel to admit vessels of a large class with entire safety. The location of this yard, on the bank of the Delaware, in the southern part of the county of Philadelphia, accessible from all points, surrounded by a vigorous and

flourishing population, and blessed with a healthy climate, gives to it advantages not surpassed by those surrounding the navy yards of any other section of the Union. There is, then, no reason why it should not receive a full share of patronage from the government. Why it has not been so favored I shall, not at this, time attempt to learn, but that the fact has been the cause of regret and complaint among the people of Philadelphia and other parts of the State, is a circumstance which cannot be disguised. No considerations of public interests, which I have been able to discover, would seem to demand this policy. Nothing, in my opinion, is gained by it in economy, efficiency or skill in the construction of vessels. The materials for this work can be as conveniently and cheaply procured at Philadelphia as at any other point in the country, and her mechanics stand as high as any others in point of skill and efficiency in all the branches of this business, and pre-eminent in the construction of steam machinery. I feel justified, therefore, in entertaining the hope that a mere equal distribution of patronage shall hereafter distinguish the action of the department at Washington.

The consolidation of the city and county of Philadelphia into one municipal government, is a subject that will be pressed upon your consideration during the present session. Without desiring to express an opinion on the policy of the measure, I may say, that I regard it as involving vast considerations connected with the welfare of our metropolis, and consequently to the State at large, and as such it should, as I have no doubt it will, command prompt and anxious consideration.

I have long believed that the loans of the State should be consolidated into three or four classes, and be under the direct control of the treasury department at Harrisburg. The books are now kept at the Bank

of Pennsylvania, where the loans are transferred, re-issued and cut up into any shape to suit the wishes of the holder; for which service that institution is claiming a heavy yearly compensation. There would be no difficulty whatever, I am confident, in exchanging new coupon bonds for the certificates of loan now outstanding, without any average extension of the maturity of the loans, at a cost of a few thousand dollars. Indeed, on this point I am entirely certain that the exchange can be made a source of profit to the State above all expenses. This accomplished, and the interest can be paid at the Treasury, and the whole business of that department rendered the more simple and safe.

The financial year commences and closes on the last day of November, and the appropriation and school year on the first of June. The effect of this arrangement is to beget confusion in the business of the several departments of government. Indeed, so completely is this the case, that it is quite impossible for a person not familiar with the subject to comprehend their operation. I suggest the propriety of commencing the fiscal year for all purposes on the first of December. This would bring the Canal, Treasury, School and Auditing Departments into harmonious action, and render their operations concurrent and simple.

I have never felt willing to see our fundamental law changed for light or doubtful reasons, but I sincerely believe that when the proper time arrives it will be wise so to amend the Constitution as to require that each law shall be passed in a separate bill, and receive not less than a majority of votes of each House on a call of the yeas and nays; to provide that all laws of a public nature shall be general in their character and apply to the entire State; that municipal corporations, vested with all the power the Legislature could confer, should not have the right to become subscribers to or holders of the stock of other corporations; to in-



terdict the creation of debt for any purpose except war, to unite some other functionary with the Governor in the exercise of the pardoning power.

In compliance with the provisions of 55th section of the last general appropriation law, directing the Governor to "sell and convey the State arsenal property in Juniper street, in the city of Philadelphia," conditioned that the sum of thirty thousand dollars should be obtained for the same, I caused notice to be given, through the press, that sealed proposals would be received for the same, and naming the minimum price and terms of sale. The highest and only bid received was that of the Pennsylvania railroad company, naming the sum of thirty thousand dollars. There being no other bidder, the property was accordingly conveyed to that company.

The purchase of another suitable lot and the erection of a new building, presented a service of greater difficulty, the law restraining the entire cost to the price obtained for the old property. I deemed it proper that military gentlemen of Philadelphia should be consulted, as to the location of the new building. The general wish appeared to be the selection of a central site, and at the same time the erection of a building of greater dimensions and cost than the act seemed to contemplate. Recently, however, negotiations have been started for the purchase of a lot of ground, which it is believed will answer the purpose, and give general satisfaction as to location.

The Attorney General, as required by an act approved the 19th of April last, has made diligent efforts to close the claims of the Commonwealth against defaulting agents and public officers. The result of his labors will be communicated to you at an early day.

In accordance with the 35th section of the appropriation law of last session, I appointed George Blattenberger, Esq., to superintend the removal of cer-

tain obstructions out of the "raft channel in the Susquehanna river, at Brubaker's island." He has caused the work to be completed in a satisfactory manner, at a cost of \$247.50, leaving \$102.50, of the appropriation unexpended, in the treasury.

I deem it proper to remark in this connection, that there are obstacles in the way of the descending navigation at various points in that stream, the removal of which, by the State, would be but an act of justice to those interested in the navigation, in view of what they have suffered in personal comfort and pecuniary profit, as a consequence of the construction of the public works.

The numerous accidents that have occurred on the railroads of the country during the past season—the consequent destruction of human life and property; the difficulties that have surrounded all efforts to trace these casualties to their true cause, and to impose upon the delinquent just responsibilities, have suggested the necessity for more specific laws on the subject; and I respectfully recommend the measure to your favorable notice. It is believed that much could be accomplished for the security of railroad travel, by additional precautionary measures in the direction of passenger trains. Our State, it is true, has not been the scene of so many of these disasters as some others; but this may not be the case when speed shall be greatly increased, as is contemplated by some of our railroad companies.

Whatever relates to the cause of education—to the moral and social condition of the people or to the amelioration of human suffering, should command deliberate consideration. All our educational, benevolent, charitable and reformatory institutions are, therefore, commended to your special care.

The State Lunatic Asylum, situate within a mile of the capitol, is now in successful operation and in a

most flourishing condition, realizing to the fullest extent the sanguine expectations of its amiable and benevolent founder; and it is but just to its accomplished superintendent to say, that Miss Dix regards its present organization and management as eminently proper and skilful. Upon this institution the State has already bestowed the sum of \$206,499, and a small sum may still be required to place it in a condition of perfect self-reliance.

By the act of April 7, 1853, was incorporated the "Pennsylvania training school for idiotic and feeble-minded children." To this humane and benevolent purpose the Legislature, with the liberality which has ever distinguished the State, since the time of her illustrious and pure-minded founder, has extended a helping hand. The object of this institution is to discover humanity in its lowest condition of mental and physical weakness and deformity, and elevate it to the dignity of intelligence, order and usefulness. Its disinterested and benevolent founders have merited the thanks of the christian and patriot.

The House of Refuge, in Philadelphia, may possibly require further legislation. The board of managers of that truly charitable institution are now erecting a spacious and costly building, into which they expect to transfer the inmates of the old house at an early day. Of all schemes for the amelioration of human distress and suffering, or for the reclamation of erring humanity, there is no one which more forcibly commends itself to christian sympathy and support than the House of Refuge. Having for its sole aim the reformation rather than punishment of the young, whose offences are often the result of misfortune rather than criminal intent; who sin through the weakness of moral perceptions, or from impure associations which so fatally attract and mislead the young and thoughtless. I cheerfully, and earnestly commend this admirable institution to your fostering care.

The report of the superintendent will exhibit to you the condition of the common schools of the Commonwealth. No department of the government has greater claims upon the General Assembly than this, and it affords me the greatest satisfaction to be able to assure you of the flourishing condition of the common school system, and of the unusual interest manifested in every part of the Commonwealth in the cause of education. We should look forward with lively interest to the day when our great Commonwealth, freed, to some extent, from the shackles of debt, can, as she doubtless will, contribute an adequate sum to this cause.

My attention has been called to the condition of the State Library by the officer having charge of it at this time. It is alleged, with evident reason and truth, that the rooms now in use are too small for the purpose; that many of the books are stowed away in boxes, and also that the laws providing for their security and imposing responsibilities on the Librarian, are quite insufficient. This highly interesting and useful institution will doubtless receive your special care.

The sixteenth volume of the Colonial Records, which will complete the series, is now in press, and will soon be ready for distribution. The publication of the Pennsylvania Archives has progressed to the seventh volume, and a commencement made upon the eighth. But the term of service of the gentleman, under whose editorial supervision this work has been thus far published, expired on the 27th of October last; since which time he has been rendering his valuable service without compensation. If it be the intention of the Legislature to continue the publication of these papers to the year 1783, as was originally intended, or to the year 1790, when they properly terminate, some provision should be made for the compensation of the editor. Indeed, contracts have already been entered into with



the printers for their publication to the year 1783, under the law authorizing their publication, which renders it the more necessary that there should be some person authorized to take charge of the work.

It is proper that I should make known to you the progress that has been made on the subject of the erection of a monument at Independence Hall, in Philadelphia, commemorative of the Declaration of Independence.

In October, 1852, the councils of Philadelphia, by unanimous consent, passed an ordinance dedicating the necessary ground in Independence Square, to this patriotic and sacred national purpose, and proposing to give possession of the premises to the representatives of nine or more of the original States.

By an act of the Legislature of February last, confirming this ordinance of the councils, the Governor was authorized to appoint a trustee to act in conjunction with the trustees of the other States, in the erection of the monument, I accordingly appointed Albert G. Waterman, Esq., of Philadelphia, the trustee on behalf of Pennsylvania.

The States of New York, New Jersey, New Hampshire and Connecticut have adopted laws similar to that of this State, and trustees have been appointed in each. Under the terms of these laws, no action can be taken by the trustees, until at least nine of the thirteen original States shall have signified their willingness to participate in the enterprize. There are still four States wanting, and with them the issue must rest for the present.

I am unwilling to believe that an object so entirely proper in itself—so congenial to the feelings of the American nation—so significant in its historic and moral bearing and so touchingly interesting to every American heart, can even be long delayed, much less defeated. It was the magic power of the Declaration

of Independence which bound together thirteen sparsely populated, taxridden and oppressed colonies, and erected them into an independent nation. By it was first proclaimed to the world the equality of all men, and their capacity for, and right of self government. Under the auspices of this great instrument our liberties were achieved, and the thirteen feeble colonies, acting on its benign principles, and guided at every step by an over-ruling Providence, have grown into thirty-one sovereign States—all teeming with the elements of national wealth—all prosperous and progressive—members of one vast confederacy, whose boundaries are marked by the Atlantic and Pacific, and enjoying a commerce co-extensive with the civilized world. Honored, feared, and patronized by all nations; already sustaining a population of twenty-five millions of inhabitants, rejoicing in the blessings of civil and religious liberty, and in a high degree of moral and social happiness. And shall we not have a monument to perpetuate the events from which these manifold blessings have sprung? Some imperishable memorial of our gratitude—an everlasting witness of the great things done amongst and for us—some visible sign to perpetuate the memory of the Declaration of Independence—the Revolution—the heroes who participated in the mighty struggle, and the Constitution that crowned and defined the privileges so nobly achieved. If these deserve not a monument, then all others have been erected in vain.

A structure commensurate with the moral grandeur of the event, its worldwide consequences, is not contemplated; but what can be, and should be accomplished, is the erection of a structure after the plan indicated by the committee—a beautiful and ever-enduring embodiment of the Nation's gratitude to the authors of the Declaration; an imperishable personification of our fidelity to its principles and their natural offspring, the Constitution and the Union.

The location of this political Mecca will be most fortunate. Central to the original States—eligible to the younger members of the confederacy, and planted on the soil of the old Keystone, who never has, and by the blessing of God, never will falter in her fidelity to the national compact, to all its forms and conditions—as in times past, so will she in the future, should the occasion unhappily arise, frown upon the first dawn of discontent against the integrity of the Union, come whence it may, or by whomsoever instigated. The weight of her vast moral and political power, I firmly believe, will be wielded to resist the tide of dissension and dissolution, and to keep the political atmosphere around the monument, when erected, purely national.

The present is also an auspicious time for this work of national fellowship. The compromise measures, recently adopted, and sanctified by the approval of Clay, of King and of Webster, have quieted the elements of national discord; and to prolong this peace and quiet, it is but necessary to maintain these measures and the requirements of the Constitution; to discountenance in future the agitation of questions settled by the federal compact, and disdain the actions of those who would hazard the peace of the country to gratify prejudice, or to accomplish the ends of personal ambition.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 4, 1854.

To the Assembly Vetoing "An Act to Incorporate the Beaver Cannel Coal and Mining Company."

Gentlemen:—

ON THE 18TH OF APRIL LAST, THE BILL HEREWITH transmitted, being No. 711, on the files of the Senate, entitled "An Act to incorporate the Beaver Cannel Coal and Mining company," was presented for my consideration.

To admit the entire acceptability of the provisions of this bill, which I cannot, it is sufficient to know, that the end, if desirable, can be attained in a better form for the public, under the provisions of the general law of last session on the subject of mining. I therefore return it to the Senate, in which it originated, without my sanction.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 5, 1854.

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To the Assembly Vetoing "A Supplement to an Act Regulating Banks, Approved the Sixteenth of April, 1850."

Gentlemen:—

ON THE DAY OF THE FINAL ADJOURNMENT of the last Legislature, Senate bill, No. 766, entitled "A supplement to An Act regulating banks, approved the sixteenth of April, 1850," was presented for my sanction. A very slight examination of this measure satisfies me that duty requires that I should return it to the House in which it originated, without the Executive approval.

The first and only section of importance reads as follows, to wit: "That from and after the passage of this act, the total liabilities of any bank in this Common-



wealth, exclusive of the capital stock and deposits, shall not, for any period of thirty consecutive days, exceed three times the amount of the capital stock paid in, nor shall the debts of any kind, due and to become due to the said banks, exclusive of notes of specie-paying banks belonging to said banks, and balances standing to the credit thereof in specie-paying banks, for any period of thirty consecutive days, amount to more than four times its capital stock paid in; and the said banks shall neither loan nor discount when their circulation may be equal, for thirty consecutive days, to three times the amount of specie, State's and United States' bonds, notes of specie-paying banks in their possession, belonging to said banks, and any credit standing to the credit thereof, in specie-paying, convertible into specie at the pleasure of said banks."

It is alleged, as a reason in favor of the proposed law, that at certain seasons of the year the banks are offered deposits to such an extent as to preclude the creation of other liabilities; that these institutions are frequently prevented loaning and discounting, for the accommodation of the business community, by means of these excess deposits; that the terms of their charters are liable to violation by the act of a single customer, who may desire to make large deposits for a short period; that the banks are thus forced to refuse deposits, and again to seek them, within a brief period, and that, as a consequence, their operations are unsteady and frequently unsatisfactory to the public.

That there is some force in these views, will not be denied, nor will it be, after full examination, that the remedy proposed in this bill is worse than the evil itself. If deemed necessary, the inconvenience complained of might be remedied by providing that when the deposits shall equal the amount of the capital stock, or such per centage thereon as may be deemed proper, the excess should not be counted as liability,

in the meaning of the general law. But the exemption of the entire amount of deposits, as proposed in the bill under consideration; the removal of the restrictions in reference to the amount of the debts due and to become due, with thirty days' time to transgress and return to duty, and the debts from one bank to another, remaining as a basis for paper issues, would, in my opinion, be a most hazardous experiment, one that could scarcely fail to produce the most mischievous consequences to the business community, and ultimately to the banks themselves, by inducing an extended and baseless paper circulation.

It may be said that the general law of 1850 and the proposed bill, are precisely similar as to the basis of circulation, and that the reasoning just used will weigh against both. The answer is, that in the former, balances due from one bank to another are counted as debts due, and in the latter they are expressly excepted from this restriction, and that, therefore, under the law of 1850, the banks have no inducement to become indebted to each other, whilst under the proposed bill, with all the deposits excepted from liability, they have an unrestrained invitation to become indebted to each other, in order thereby to create a sufficient basis for their circulation. The practical tendencies of this measure would be, not only to afford the opportunity, but to induce the banks to issue paper to three times the amount of the capital stock paid in, without a dollar of specie basis. With the balances standing between the banks excepted from the restriction as to the amount of debt that may be due to a bank, and these balances treated as a basis for circulation, this effect would be inevitable. For instance, let us imagine three or four banks in the same vicinity, with a circulation exceeding three times the amount of specie, bonds, &c., on hand; the proper remedy for such a state of affairs would seem to be an increase of specie; but under

the proposed law, mutual indebtedness would answer just as well. It would only be necessary to swell the balance, in order to come within the limits; and with thirty days' time, as a sliding scale, there would be no difficulty in the operation. It must be perceived, therefore, that under such a law a system of paper money could be bolstered up, with no other basis than the debts due from one bank to another, and the notes of each other. To illustrate still farther the palpable weakness and danger of this proposed system, it may be remarked that the notes of one bank held by another are also excepted from the restriction, which provides that the debts due and to become due shall not exceed four times the amount of the actual capital stock, and are at the same time a basis of circulation: two banks, in the same town, could always maintain an ample basis, by exchanging notes. It may be said, that this would be of no use to the banks; but it must be remembered that, in this instance, as in the case of balances due, they could transcend the limits twenty-nine out of every thirty days, for under this law they are to be forgiven, unless they transgress for thirty consecutive days—one day of duty being rated equal to twenty-nine of error.

The law of 1850 is well enough in some of its features, and weak enough in others; and that part of it which treats notes of specie-paying banks, and the balances due from banks, as a basis of paper circulation, would be intolerable, if it were not that it at the same time holds these notes and balances as debts due or to become due, and in this way restrains the opportunity to expand that is furnished in the proposed supplement.

In the great work of furnishing a circulating medium, we should look almost entirely to its safety and soundness. Matters of convenience for the banks and their customers—the profits and losses of those en-

gaged—are considerations secondary to the security of the public in the use of a medium which all are compelled to use. The convenience and safety of depositors and customers should not be overlooked, but the interests of the note-holder stands pre-eminent. If, therefore, the ends of convenience for the banks and their patrons can be promoted, without hazard to the note-holder, or inducing the emission of an improper amount of paper, the measure would scarcely be liable to objection. But the bill under consideration is not of this character. Its evident tendency would be to extend the business and issue of the banks to the amount of many millions, without adding a farthing to their real capital and means of payment beyond the notes discounted.

The experience of the past seasons fully confirmed my apprehensions as to the effect of this measure, and I cannot doubt that had it been adopted, and the privilege which it would confer been fully exercised, the bad consequences ere now would have been extensively felt and acknowledged. I am also confident, that in the confusion and excitement incident to the near approach of the final adjournment, when this measure was considered, the members of the General Assembly had not a full opportunity of reflecting upon its consequences, or it would have been rejected.

All inducements to an expansion of our paper system should be carefully avoided, for experience manifests that the full latitude of the law will be occupied. Neither the severe lessons of experience, nor the voice of admonition, will be sufficiently restraining, where large gains are in view. Nothing but positive laws and penalties will reach the end. It is a well known fact, that during last summer the institutions of our own metropolis, led to extend their business with a view to enlarged profits, were closely pressed at times



to meet their engagements; and it has frequently been intimated to me, by experienced business men, that an efficient guard against such hazard in the future could be found in a law requiring very frequent settlements between the banks.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 5, 1854.

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To the Assembly Vetoing "An Act to Incorporate the York County Hydraulic Cement and Fire Proof Paint Company, and Confirming the Election of a Supervisor in Roxborough Township, Philadelphia County."

Gentlemen:

I HAVE CONCEIVED IT TO BE MY DUTY TO retain in my possession, since the adjournment of the last Legislature, and now return to the Senate, in which it originated, without my sanction, bill No. 479, on the files of that body, entitled "An Act to incorporate the York County Hydraulic Cement and Fire Proof Paint company, and confirming the election of a Supervisor in Roxborough township, Philadelphia county."

The objections to this measure, are, to my mind, as I doubt not, upon reconsideration, they will be to minds of the members of the General Assembly, entirely conclusive.

In the first place it proposes to create a corporation on the principles of a limited liability of the stockholders, thereby conferring on the proposed corporation rights not enjoyed by individuals engaged in the same pursuit. The tendency of such laws is to create an inequality amongst citizens of the State, not con-

sistent with the genius of our institutions, nor within the range of the moral rights of the law-making power. This kind of legislation seems to be discarded by all classes and parties, and should not be recognized in the future.

In the second place, if it be desirable or necessary to encourage the formation of associations for the purposes indicated in this bill, the provisions of the general law could be readily extended to meet the object.

In the third place, I cannot be persuaded that there is any necessity for special legislation to promote an enterprise of individual gain, requiring a capital, as indicated in this bill of the meagre sum of twenty thousand dollars. Many of our farmers and mechanics employ a greater amount of means.

I entertain the opinion that, as a general rule, corporations of this character are not essential to the public weal—that whatever legislation may seem necessary to facilitate the business of mining and manufacturing, and the various other pursuits for which corporate powers are usually sought, should, as far as possible, be general in its character and be available alike to all. There is, it seems to me, no evidence to be found in the history of our Commonwealth, or in that of any other State, that these great interests are more successfully managed by special corporations than by individuals or associations under general laws, whilst in the experience of all it is made very apparent that individual efforts and experiments are much less liable to entail injury upon society at large. That energy, independence, integrity and purity, which usually characterizes individual operations, are not, as a general rule, so well maintained in the efforts of artificial bodies. Ambition, pride and responsibility, the great incentive to action, seem, to some extent, to lose their proper influence over individuals thus associated together. Carelessness, inefficiency and prodigality, are

too often the fruits of a light interest and limited responsibility on the part of those entrusted with the management of incorporated companies.

But why should these special privileges be desired? Are they intended to shield the parties interested from the full force of the loss where an enterprize may prove unsuccessful? If so, how shall we grant such great advantages to one citizen, and deny them to another? Equality of rights to all is an elementary principle of our government. If, therefore, for mining, manufacturing and other pursuits, corporate powers are to be granted, how shall the Legislature refuse similar privileges to the farmer, the miller, the hatter and the shoemaker? If one class of citizens are to have the opportunity of experimenting in their chosen business, on only a limited liability for the losses, all can justly claim a like advantage. We should thus be led, step by step, in the creation of these artificial bodies, until the field of personal enterprise would be occupied by privileged classes—individual enterprise be completely prostrated beneath the power of concentrated wealth and special privileges, and the relative position of the people rendered less equal than before this system was commenced. We must notice, in addition, the palpable injustice of its practical operations, as compared with those of the individual citizen. A corporation is organized on the principle of a limited liability of the stockholders—its business is unwisely chosen or unskillfully managed, and its results in failure and loss. The stockholders, in such case, lose the amount they may have paid in, and the remainder of the loss falls upon innocent parties, who, misled by its great nominal capital, have become the creditors of the institution. An individual engaged in a similar enterprise, meets a like fate, and the last item of his personal estate is sacrificed to pay the debts he has thus incurred.

But it is said that capitalists will not invest their

means in hazardous enterprises, if required to bear more than a limited liability. I am confident that you will agree with me, that this reasoning in favor of special privileges has no foundation in correct principle, and is not, therefore entitled to favorable consideration.

In a mere business point of view the position is not a sound one. If a given enterprise be hazardous, it is the less liable to competition, and the more lucrative if successful. But if it be a dangerous business, and therefore likely to result unprofitably, upon whom should the loss fall? Certainly it will not be contended that it should be thrown upon innocent parties who have no agency in the business. It is surely more just and reasonable that those who are to receive the profits should bear the losses—that those who enjoy the privileges should incur the responsibilities. The Constitution never intended to sustain any other policy. It never contemplated acts of legislation to advance one man's interest at the expense of another's. Nor am I at all convinced that capitalists would not invest their means under the individual liability principle. It is but a short period since it was extensively believed that banking capital could not be concentrated, if the stockholders were made liable in their individual estates for the debts of the bank. A short experience has dispelled this doubt, and served to demonstrate the wisdom and justice of this policy. So it would be, I am confident, if this principle were extended to all corporations designed to facilitate the ends of private gain. Capitalists who might be apprehensive that their private estates would become involved for the current debts of the corporation, can employ the simple and easy remedy of making no such debts. Let the contraction of a debt be forbidden by the laws of the institution. Let their business be transacted on the cash system. By this policy they will give the greater



efficiency to their operations and escape the dreaded liability. Besides it does not seem reasonable that special legislation for the ostensible purpose of concentrating capital, should at the same time look to the creation of large debts. If the incorporation of this principle should do no more than lead to the adoption of the cash system, it would be the means of profit to the corporators and great good to the public.

The twelfth section proposes to confirm the election of a Supervisor in the county of Philadelphia. I take it, that if an election was held and the gentlemen named in the section elected, the act needs no confirmation; if no election was held, and no men elected, it would be difficult to confirm such an election. If the section was intended to cure some informality the facts should have appeared on its face.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 5, 1854.

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To the Assembly Vetoing "An Act Relating to Roads in Newton Township, in Luzerne County; Incorporating the Independent Medical School of Pennsylvania; to the Bounty on Crows in Wyoming County; to the Pay of County Commissioners in Cambria County; to the Real Estate of Michael Franks, Deceased, in Fayette County; to an Election District in Huntingdon County; to the Account of William Gulick, Former Treasurer of Northumberland County; to the Coudersport Academy, and to the Foreclosure of a Certain Mortgage in Huntingdon County."

Gentlemen:—

**I** RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, bill No. 494, entitled "An act relating to roads in Newton township, in Luzerne county; incorporating the Independent

Medical School of Pennsylvania; to the bounty on crows in Wyoming county; to the pay of county commissioners in Cambria county; to the real estate of Michael Franks, deceased, in Fayette county; to an election district in Huntingdon county; to the account of William Gulick, former treasurer of Northumberland county; to the Coudersport Academy; and to the foreclosure of a certain mortgage in Huntingdon county," without my assent.

The first ten sections of this bill relate entirely to Newton township, in Luzerne county, proposing the repeal of an important and well understood general law, and the substitution of a novel and untried system for the care and management of the roads in that township.

My views as to the policy of special and local legislation are well known, and it is scarcely necessary to repeat them here. I have, upon all proper occasions, discouraged the practice, not only as useless, but destructive to the uniformity of the law and its efficient administration.

Special legislation never assumed a more objectionable form than when proposing innovations upon general laws, as to particular localities, and especially those which affect the entire community in the most intimate and daily relations of life. It is true, that the statute book may exhibit changes of general laws as to particular localities, but I cannot now remember any precedent for the passage of eleven sections of grave law to regulate the roads of a single township. This once adopted, and there would be no limit to the evil, except in the ability of reformers to devise new systems; and the result is quite possible, that every township or borough would have a different system of road, of poor, or other laws. The evils of such a practice may, therefore, be very readily imagined. If the alterations proposed by this bill, be really an improvement upon the general road laws, there can be no valid

reason why the superiority should be confined to the limits of a single township. There can be no such local peculiarities in Newton township, as require a system different from all other parts of the State, nor should there be anything in the bill itself which would render it inapplicable to that entire section of the Commonwealth. But every alteration is not an improvement, and aside from the reasons just urged, which are to my mind conclusive, I have not been able to discover in the bill any improvement upon the road laws so long in use. The unnecessary multiplication of offices alone, is an insuperable objection—experience having amply demonstrated, that the simpler a system is in detail the more efficient will be its operation. In addition to road masters, who are to take the place of supervisors, each sub-school district is to be a road district, with an officer in each for its management. The shifting nature of sub-school districts, and the probability of their being abolished at an early day, would render confusion inevitable, or further legislation necessary, should the bill become a law. Another serious objection is, that it attempts to fix the rate of wages for those who work upon the roads. The price of labor can never be regulated by law, no more than that of iron or coal, or any other necessary of life. This must be controled by competition—the supply and demand—not by arbitrary legislation. “Ten cents an hour for a man,” or “twenty-three cents an hour for man, horse and plough,” may be a fair compensation at one period of time, but very inadequate at another.

Section twenty-one sets forth, that “Michael Franks, deceased, late of Fayette county, in his life-time entered into a contract with his son Isaac, for the sale of a tract of land, but died without making a deed, having made a will, in which the said Isaac was appointed one of the executors.” The section then directs the “co-executor to make a deed unto Isaac, without an order of court.”

The law upon the subject of contracts of decedents has been so amended, from time to time, that it is believed to reach every case that can possibly arise. It would seem clear that this very case is provided for, and therefore an ample remedy can be obtained by application to the court. The acts of April 9, 1849, and April 3, 1851, direct the mode of executing contracts of decedents, whether in writing or by parol, where the purchaser is also executor or administrator. If, however, this case is not provided for by existing laws, it is a reason for so amending the general law, but certainly none for passing a special act.

The same reasoning applies to the provisions of sections twenty-six and twenty-seven, for the foreclosure of a mortgage, in Huntingdon county. There are those things which are so peculiarly within the province of the courts, that we should hesitate, even in cases where the jurisdiction is concurrent. Facts may be in dispute, which can only be properly settled in a court of justice; and consequently a great injury may be inflicted by the hasty action of the Legislature. The law and the practice seem to be comprehensive enough to furnish a remedy in this case, and if not, the defect should be removed by a general law.

There are six other distinct and very dissimilar propositions in this bill, from a bounty on crows to the incorporation of a medical college, all of which may be right and proper, taken separately; but when considered together, in connexion with the subjects already adverted to, the great evil of omnibus legislation becomes at once apparent. The position I have assumed, in reference to this practice, would alone induce me to withhold my assent, were there not other and insuperable objections to the bill.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 5, 1854.



Proclamation Directing the Mayor of the City of Erie and the Sheriff of the County of Erie to Enforce the Laws and Orders of the Courts with Regard to the Property of the Franklin Canal Company.

Pennsylvania, ss:



I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. WILLIAM BIGLER, Governor of the said Commonwealth.

[Signed] Wm. Bigler.

#### A PROCLAMATION.

To Alfred King, Mayor of the City of Erie, and Thomas B. Vincent, Sheriff of the County of Erie:



I, William Bigler, Governor of the Commonwealth of Pennsylvania for the purpose of enforcing obedience to the laws, and in order to see them faithfully administered, do hereby authorize and require you the said Alfred King and Thomas B. Vincent to call upon all good citizens, and if necessary the military, to aid you in suppressing riot if any should occur, and to preserve the public peace; and also to secure obedience to the laws and the orders and decrees of the Supreme Court of Pennsylvania against the destruction of the property of the Franklin Canal Company. And further that you advise obedience to the orders and decrees of the United States Court. You will also give publicity to this Communication.

Given under my hand and the Great Seal of the State at Harrisburg, this Seventh day of January, in the year

of Our Lord one thousand eight hundred and fifty-four, and of the Commonwealth the Seventy-eighth.

By the Governor,

C. A. Black,

Sec'y of Comm'th.

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To the Senate Nominating Certain Persons to be Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 25, 1854.

Senators:—

**I**N CONFORMITY WITH THE REQUIREMENTS of the fifth section of the act of the 14th April, 1845, establishing an asylum for the insane poor of this Commonwealth, I do hereby nominate, for the advice and consent of the Senate, Thomas F. Betton, M. D., of Philadelphia county, Andrew J. Jones, of Dauphin county, Hon. Augustus O. Hiester, of Dauphin county, to be trustees for the Pennsylvania State Lunatic Hospital, to serve for the period of three years.

During the recess of the Legislature, Dr. Luther Riley and John Roberts, Esquire, trustees of said institution, having resigned, I appointed George Dock, M. D., of Dauphin county, Mercer Brown, M. D., of Dauphin county, to supply the vacancy, and I now nominate them to the Senate for such purpose.

WM. BIGLER.

To the Senate Nominating William R. DeWitt to  
be State Librarian.

Executive Chamber,  
Harrisburg, January 25, 1854.

Senators:—

**I**N CONFORMITY WITH THE REQUIREMENTS  
of the act of the General Assembly, approved the  
25th instant, relative to the State Library and  
Librarian, I do hereby nominate, for the advice and  
consent of the Senate, William R. De Witt, of Dauphin  
county, to be State Librarian for the period of three  
years from the first Monday in February next.

WM. BIGLER.

Proclamation of the Election of J. Glancy Jones as  
a Representative of Pennsylvania in the United  
States Congress.

Pennsylvania, ss:



**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. WILLIAM BIGLER,  
Governor of the said Com-  
monwealth.

[Signed] Wm. Bigler.

#### A PROCLAMATION.



Whereas, By a Return duly made by  
the Judges of a Special Election held  
in the Eighth Congressional District  
of this Commonwealth composed of the  
County of Berks, on Saturday, the  
Fourth day of February, Anno Domini  
one thousand eight hundred and fifty-four, under the  
authority of An Act of the General Assembly of this

Commonwealth passed the Second day of July, A. D. one thousand eight hundred and thirty-nine, it appears that J. Glancy Jones, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty-third Congress of the United States to supply the vacancy occasioned by the death of the Honorable Henry A. Muhlenberg.

And Whereas in and by the Forty-second Section of the Act before recited it is made the duty of the Governor on the receipt of the Returns of any special Election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected.

Now therefore, I have issued this Proclamation here-

DOCUMENT RELATING TO PROCLAMATION.

Pennsylvania, ss.

[Signed] Wm. Bigler.



I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, WILLIAM BIGLER, Governor of the said Commonwealth.

To John Manderbach, Sheriff of the County of Berks, Esquire:  
Sends Greeting:



Whereas, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of Henry A. Muhlenberg, Esq., elected a member of the Thirty-third Congress, from the Eighth Congressional District, composed of the County of Berks.

Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States, and of an Act of the General Assembly of this State, passed the second day of July, A. D. one thousand eight hundred and thirty-nine, I, William Bigler, being vested with the Executive authority of the State of Pennsylvania, have issued this writ, hereby commanding you the said John Manderbach to hold an election in the said County of Berks, on Saturday, the fourth day of February, one thousand eight hundred and fifty-four, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct the said election and make a return thereof in manner and form, as by law is directed and required.

Given under my hand and the Great Seal of the State, at Harrisburg, this Seventeenth day of January, in the year of Our Lord one thousand eight hundred and fifty-four, and of the Commonwealth the Seventy-eighth.

By the Governor.

C. A. Black,

Sec'y of Commonwealth.



by publishing and declaring that the said J. Glancy Jones, Esquire, is duly Elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the Honorable Henry A. Muhlenberg, deceased, who had been elected a member of the Thirty-third Congress.

Given under my hand and the Great Seal of the State at Harrisburg, this Ninth day of February, in the year of our Lord one thousand eight hundred and fifty-four and of the Commonwealth the Seventy-eighth.

By the Governor,

C. A. Black,

Secretary of the Comm'th.

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To the Assembly Concerning the Franklin Canal Company.

Gentlemen:—

THE LAW REVOKING THE CHARTER OF THE Franklin canal company, made it the duty of the Governor to take such measures as might be necessary to carry its provisions into effect. To perform the duty thus imposed upon me, I repaired immediately to the city of Erie, and returned to the seat of government on Thursday morning last. I embrace this early opportunity of communicating to you the results.

On the second instant, I caused a copy of the said law, together with a communication referring to its provisions, to be presented to the president and directors of the Franklin canal company; and immediately thereafter, took possession of the railroad claimed by said company, in the name of the Commonwealth, and appointed William F. Packer, Esquire, to

superintendent its operations, with the power to select such assistants as might be found necessary.

Arrangements were subsequently made with the Cleveland, Painesville and Ashtabula railroad company, to stock and use said road on terms and conditions deemed just and reasonable to all parties interested, and advantageous to the public. The business, therefore, has been fully resumed on the entire line from Cleveland to Buffalo, and will, hereafter, in my opinion, be transacted in a manner more advantageous and agreeable to the traveller and transporter, than at any former period.

The accompanying correspondence between the officers of the Franklin canal company and myself, together with the annexed copy of the contract with the Ohio railroad company, for stocking and using the road from Erie to the State line, will exhibit to you the details of my action under the law.

It affords me unaffected pleasure to inform you, that notwithstanding the violent controversy which had been maintained for months past, between the railroad companies and the people of Erie, and the high degree of excitement incident to such a contest, I encountered but little difficulty in accomplishing the objects of the law. No serious disposition was manifested at any time, to resist the authority of the State. Forbearance and prudence appeared to distinguish the conduct of the mass of the people, as well as the action of all the parties directly concerned in the adjustment of this unpleasant affair.

Whilst, therefore, it is hoped that the settlement of the difficulty in the manner just indicated may prove satisfactory, the restoration of peace and quiet to that community, will doubtless be subject of gratulation throughout the country; as it certainly should be of special gratification to you and the other authorities of the State. With an unfaltering determination on

the part of the people of Erie, to maintain their rights before the courts, and to insist upon measures of legislation for the promotion of their welfare, I feel assured that they are equally prepared to restrain, and if needs be to resist any act of violence to persons or property, or other acts in derogation of the law.

The claim of the State to the route from the city of Erie to the Ohio line, having been thus maintained, the enquiry naturally arises, shall a grant for a road between these points be made, and on what conditions? I have no hesitation in expressing the opinion that the grant should be made, and as promptly as convenient, and thus put the controversy at rest. The State should certainly do this, or make provision for payment to the stockholders of the Franklin canal company, a fair compensation for the railroad constructed by them, and keep it herself. Of these propositions I am inclined to prefer the former. Should the grant be made to a corporation, such conditions can be annexed as will meet the wishes of the people of Erie, promote their welfare, extend the business and usefulness of the harbor at that place, and advance the general prosperity of the State, without subjecting travel or commerce to more than an incidental or unavoidable inconvenience.

Amongst the conditions, should be one requiring this road to connect with the harbor at Erie; and such other terms as the General Assembly may deem right and proper.

With these remarks, under other circumstances, my duty might close.—But the manifest misrepresentations which have characterized the discussion of this unpleasant controversy in certain sections of the country, have induced me to present a brief statement of the facts of the case, as a defence of the State and her representatives.

The Commonwealth has had no controversy with

the citizens or corporations of other States, nor has she been inclined to interfere with their rights or interests; or to unnecessarily interrupt the travel or commerce of the country. She has been dealing with a refractory creature of her own, which had most palpably "misused and abused" the privileges conferred upon it by law; a corporation that had attempted the usurpation of power, that had infringed the sovereignty of the State, and invaded her rights of eminent domain. If in this contest she was brought into collision with citizens and corporations of other States, the difficulty was not of her own seeking. The vindication of her honor and dignity was a duty which she could not neglect; and I have no hesitation in saying, without any reference to the difficulties at Erie, that it was right and politic on the part of the State to exercise the power which she had reserved over this corporation. The act, I doubt not, will exert a wholesome influence in future over the conduct of similar bodies. If neglected in a case so manifestly proper, it would be idle to insert reservations and conditions in similar corporations for the protection of the public, as it would also be useless to grant additional railroad charters. Under such a latitudinarian construction as claimed by the Franklin canal company, those already in existence could occupy every feasible route in the State.

In 1844, this corporation was created for the purpose of improving the French creek division of the Pennsylvania canal, the State reserving the right to repossess said canal, at any time thereafter, by repaying the company the amount of money expended in its improvement, with six per cent. interest.

In April, 1849, the company was authorized to construct a railroad on the banks of said canal, and to extend the same from the head of the canal north to Erie, and south to Pittsburgh; the Legislature express-



ly reserving the right to revoke the charter of the company, should the privileges granted be at any time "misused or abused." The company made no attempt to improve said canal, nor to construct the railroad from the termini of the canal to Pittsburgh or Erie. In 1850, however, they commenced the construction of a railroad from the Ohio State line to the city of Erie, parallel with the lake, and nearly at a right angle with the route assigned to them by the Legislature.

They were early admonished against this attempt. In 1851, the Pittsburgh and Erie railroad company, instituted proceedings against the Franklin canal company in the Supreme Court, on the ground that they had no right to construct a road on the location which they were attempting to occupy.

In the spring of 1852, the Attorney General made complaint against said company before the Supreme Court, in the name of the Commonwealth, and prayed for an injunction to restrain the construction and use of said railroad. The opinion of the Court in this case was delivered in January, 1853, by Chief Justice Black; and whilst the injunction prayed for was refused on the technical ground, that the Commonwealth could not, under the law, give security for damages, the views of the court literally annihilated the rights of the company to construct a road on the route which they were then occupying, and in this opinion the Circuit Court of the United States, at Pittsburgh, has fully concurred.

The Legislature of 1853, repealed the law requiring the Commonwealth to give security for damages, and thereby removed the only obstacle in the way of a final decree against the company, in the case then pending. But in as much as the railroad, in the meantime, had been completed, and the only effect of the decree would be to restrain the use of the road, it was deemed proper to await the meeting of the Legislature, the

only power that could properly and permanently dispose of this controversy.

The Legislature did act, and by virtue of the reservations contained in the charter already referred to, revoked and annulled all the rights and privileges granted to said company. This railroad, with all its appurtenances, is, therefore, in the possession of the State, and its operations under the direction of an officer of her own selection.

This brief history will be sufficient, it is hoped, to vindicate the Commonwealth against the charge of having misled this company, by indulgence in their manifest inclination to assume rights not granted by law. Those familiar with the subject, I am confident, will agree with me in opinion, that the attempt on their part to usurp the right has delayed an express grant. The company were admonished at every step, that they were transcending their legitimate province; but the only effect seemed to be to stimulate them to greater indignity to the State, and increased fatality in the consummation of their own destruction.

It has been frequently alleged that the State, in her controversy with this corporation, was actuated by a selfish motive; that she desired to interrupt the transit of persons and tonnage over that part of her territory.

To answer to this allegation, is that her authorities could long since have had a final decree against the company, and restrained the use of the road; and it will also be perceived, that as soon as she did get control of it, arrangements entirely agreeable to the public, were made for its use. She was also willing to remain quiet until the Legislature assembled and disposed of the whole controversy; but it seems that her indulgence has not been properly appreciated. Prudence and a just respect for the State, should have dictated to the railroad companies the adoption of a similar liberal policy.

True, it may be said that the repeal of the gauge law gave the companies owning the roads east of Erie, the right to change their gauge; but it is equally true, that the opinion of the Supreme Court, delivered in 1852, was notice to them that the State had not granted the right to make a road of any gauge from Erie to the Ohio line, and this fact was not overlooked in considering the repeal of the gauge law. Was it prudent, then, on their part, to change the width of their road to suit that of one constructed in known violation of law? Was it not, to say the least of it, presumptuous to conclude that the State would confirm this fraud upon her rights? Would it not have been the part of wisdom to have rested quietly until the State had legalized a route from Erie west? I know that the affirmative of this is held by gentlemen connected in interest with railroads. To this unfortunate movement, more than any other, may be attributed a degree of excitement and resistance, on the part of the people of Erie county, for which the State authorities have been so much censured.

The citizens of Erie and the present Executive have been condemned for alleging that there should be a break of gauge at Erie, and I must beg your indulgence on this point for a moment.

A demand for an unnecessary break of railroad gauge, and the consequent transshipment of tonnage and passengers, it will be conceded would be an illiberal exaction and an improper interruption of the commerce of the country. But such is not the position of the question at Erie. The necessity for a break of gauge between the west and the Atlantic cities, results from the policy of New York and Ohio, and not from that of our own State. The railroad of Ohio are uniformly four feet ten inches wide, and those of New York four feet eight and a half inches, except one, which is six feet in width. A transshipment is there-

fore inevitable. It must occur, and the only question is as to the proper point. After all the reflection I have given the subject, I must again repeat what I said in my annual message, that I can see no reasons, founded in public policy, why the break should occur at Buffalo, that do not apply, with equal force, in favor of Erie. The impediment to trade and travel will be alike at either point, with the advantage of greater unoccupied space at the latter. Nor have I been able to discover why it is, that if a break of gauge is so entirely unimportant, there should be so much solicitude to have it at the city of Buffalo, or to understand how this city has escaped the execrations so freely heaped upon the city of Erie. If a transshipment at Erie be so prejudicial to the commercial interests of New York, why is not a break at Buffalo equally so? There is now a break of gauge at each, and is it not strange, that whilst the latter city has complained of Erie, it has failed to discover a similar obstruction to trade and travel in its own vicinity? When this shall have been removed, it will be time enough, it seems to me, to complain of Pennsylvania.

To illustrate this idea still more forcibly, suppose it were possible to force that narrow strip of territory eastward for a few miles, and permit New York and Ohio to come together at Erie, then where would be the break of railroad gauge, and who would be at fault? When the capitalists of New York commenced the construction of a railroad from the city of Buffalo westward, differing in width from the other roads of that State, they had determined to impose upon commerce the inconvenience incident to a transshipment. Solicitous as I am to facilitate intercourse between the great west and the Atlantic cities, and to maintain a liberal policy towards neighboring States, I have been unable to discover a reason, in public policy, why this unavoidable transshipment should not occur at Erie.



Such a position is not wanting in courtesy or kindness to our neighbors. New York has selected her policy as to the width of railroads. She desires to extend them westward, and Pennsylvania is willing to admit them within her limits. Ohio, on the other hand, desires to get eastward, and Pennsylvania extends to her an equal degree of courtesy. The latter State asks no advantage: she is willing to extend her roads to Erie, and meet New York and Ohio on equal terms, on her own territory. Surely there can be no want of courtesy in this position. However much she may regret the necessity for a transshipment, she has not the power to obviate it. But, on the other hand, it is demanded that a gauge of railroad, unusual to Pennsylvania and New York both, with which neither can connect, should extend from Ohio to the city of Buffalo, on a line a mile and more south of the harbor, at Erie, and cutting off the chances of connection with the Sunbury and Erie, in the former State, and the New York and Erie Railroad, in the latter. This arrangement may answer the owners of the road better than the public. It has been assigned as a reason for this policy, that Buffalo is a greater city than Erie, and that the former should be regarded as the eastern termini of the western business. Atlantic cities will scarcely be willing to adopt this idea.

I however, regard the connection of this Lake Shore road, and the Sunbury and Erie, and the Pittsburgh and Erie railroad with the lake, at the harbor of Erie, as vastly more important to the State and city of Erie than the termini of the gauges. The harbor at Erie, is one of safest on the lake, and its other natural advantages are not surpassed. It can be connected with the Atlantic cities by a shorter and better railroad communication than any other, and it needs but this to place it in possession of an immense business. But it will be vain to anticipate the accumulation of the

vast products of the country in that harbor, unless facilities be afforded to transportation to and from it. Nor is it any more reasonable to present the condition of business in the harbor, at this time, as an argument against the construction of such facilities. It would be as sensible to expect to discover full grown corn in the uncultivated forest, as to find the vast products of the country in a harbor from which there is no means of transit. The natural advantages of this harbor have been thus far rudely rejected; but this policy, I am confident, cannot be longer maintained. The increasing business of the country will demand the use of this eligible spot as a necessity; as I am also confident, the connection of the lakes with Philadelphia by railroad, will distinguish an era of renewed growth and greater prosperity to the city of Erie and the surrounding country.

I have approached the discussion of this subject with much reluctance, because of the unpleasant feelings which it has excited in certain sections of the country. I have only been constrained to do so by a sense of duty to the State in her sovereign capacity. With the controversy which has been so vigorously maintained for a year or more at Erie—with the crimination and re-crimination between the railroad corporations and the citizens, between conflicting interest at Cleveland, Erie and Buffalo, and the peculiar policy that each may have used to accomplish the end in view, I have not felt required to interfere, nor to correct the various misrepresentations of my official acts in reference to the late difficulties at Erie. I have felt most concerned for the State and her character. For Pennsylvania, the birth place of the Declaration of Independence—the prolific mother of brave hearts and stout arms, ever ready to defend the country against foreign aggression—the bulwark of our national strength in domestic conflicts—the Keystone of the Federal Arch,

and the unfaltering defender of the Constitution, she will ask only what is right, and submit to nothing that is wrong. Whilst she will never yield her rights to the usurpation of creatures of her own, or suffer the invasion of her sovereignty by those of another State, she will never make an unjust or unreasonable demand upon others. Claiming her rights and seeking to promote her own welfare by every proper means, she will nevertheless rejoice at the prosperity of neighboring States, and advance their interest by every just means in her power.

WILLIAM BIGLER.

Executive Chamber,  
Harrisburg, February 11, 1854.

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Correspondence with the President, Directors and Other Officers of the Franklin Canal Company, Annuling Its Charter and Taking Possession of Its Property.

Gentlemen:—

**I**T HAS BECOME MY DUTY TO CALL YOUR ATTENTION to the accompanying act of the Legislature of Pennsylvania, entitled "An act to annul the charter of the Franklin canal company," approved the 28th day of January, A. D. 1854.

You will perceive, that for reasons presented in the preface to the said law, the Legislature have deemed it proper to exercise the power reserved to them in the act under which the railroad claimed by your company was constructed, to wit: "That if the company shall, at any time, abuse or misuse the privileges granted by said act of incorporation, the Legislature may revoke all and singular the rights and privileges granted to such company."

In pursuance of this right, the Legislature have "re-

scinded, revoked, and utterly, and forever annulled" the charter of the Franklin canal company.

You will also perceive, that it is made the duty of the Governor, to take such "measures as he may deem necessary," to carry out the true intent and meaning of this act—to take charge of the property of said company, and to appoint such person or persons as he may deem proper to superintend the operations of said railroad, "until the same shall be further disposed of according to law."

You will, therefore, regard the railroad and appendages, lately claimed by your company, as in the possession of the Commonwealth, and give place to the person or persons appointed by me, under the authority of said act, "to superintend the operations of the road" for the time being.

Very truly, your obedient servant,

WILLIAM BIGLER,

Executive Chamber,

Harrisburg, January 30, 1854.

Erie, February 2, 1854.

To His Excellency, William Bigler, Governor of the Commonwealth of Pennsylvania:

Your letter dated Harrisburg, January 30th, 1854, directed to the president, directors, and other officers of the Franklin canal company, calling their attention to an act of the Legislature of Pennsylvania, entitled "An Act to annul the charter of the Franklin canal Company," and declaring that they must regard the railroad and appendages thereof, as in possession of the Commonwealth, and requiring the president and directors to give place to such person or persons as you may appoint to superintend the operations of said road, was handed me last evening by W. F. Packer, Esq.

I lost no time in calling the directors together, and I am now ordered by them to inform you Excellency, that they regard said law as utterly void, and in direct violation of the Constitution of the Commonwealth and that of the United States.



I am directed further to say, that in the event of their yielding possession of their road to yourself or agent, they must insist that your Excellency stipulate and agree in writing, that it shall in no wise injure or prejudice any legal or equitable right of the company, or of its shareholders, bondholders or mortgagees. Then they will content themselves by a resort to the courts alone for redress.

An early answer is requested.

By order of the Board,

I am very respectfully,

Your obedient servant,

JOHN GALBRAITH,

President Franklin Canal Company.

Brown's Hotel, Erie, Pa.,

February 2, 1854.

Sir:—

YOUR LETTER OF THIS DATE IN REPLY TO a communication which I addressed to the president and directors of the Franklin canal company on the 30th ultimo, calling their attention to the provisions of an act of the Legislature of this State, annulling the charter of the said Franklin canal company, was handed to me a few moments since, and I hasten to say in reply, that whilst it is no part of my duty to discuss the constitutionality of the law revoking the franchises of the said corporation, I deem it proper to remark that the law is based upon a distinct reservation contained in the charter itself, contingent upon facts which have become too manifest to admit of dispute, and I am at a loss, therefore, to imagine how its constitutional authority is to be contested.

You further insist, that I shall "stipulate and agree in writing, that the yielding of the possession of the road shall in no wise injure or prejudice any legal or equitable right of the company or its shareholders, or mortgagees." With this request I cannot comply. It is not in my power, either to strengthen or weaken the legal or equitable rights of the company, or of

those of the shareholders or mortgagees. The law imposes upon me a specific duty, and this I shall promptly discharge.

I must again invite your attention to the provisions of the law itself, which certainly indicate my duties and the intention of the Legislature with sufficient clearness.

As for the possession of the road, that has already been assumed in the name of the Commonwealth by virtue of the law already referred to; and I have appointed Wm. F. Packer, Esq., the superintendent on behalf of the State, to whose control you will please give place without delay.

Very truly, your obedient servant,

WILLIAM BIGLER.

Brown's Hotel, Erie, Pa.,

February 2, 1854.

To His Excellency, William Bigler:

Sir: Your letter of to-day has just been received, and I have laid it before our board of directors.

I am directed by them to reply, that they regret that your Excellency does not feel authorized to stipulate that the taking possession of the road shall not prejudice the legal or equitable rights of the company.

Duty to those whose interests they represent, compel them, therefore, again to apprise you, that the act of the Assembly under which you claim to take possession of the road of the Franklin canal company, is in violation of the Constitution of the United States and of the Constitution of the State of Pennsylvania, and is utterly invalid. And the company do protest against any action by you in pursuance thereof; and do hereby notify you that should you deem it your duty to disregard this protest and forcibly take possession of property which does not belong to the Commonwealth, and on which they have not expended any money, you must do so in the exercise of your authority, for it is not and will not be surrendered voluntarily.

The company desire to subject you to no unnecessary difficulty in the discharge of what you may deem to be your

duty, but to take such steps as may afford them the opportunity of seeking legal redress.

By order of the Board,

Your obedient servant,

JOHN GALBRAITH,

President Franklin Canal Company.

Gentlemen:—

I AM IN POSSESSION OF YOUR CONSTITUTIONAL protest of the 2d instant, in behalf the late Franklin canal company, as I also am of the railroad recently claimed by said company. The latter I shall retain until otherwise directed by law, and the former I shall submit to the General Assembly, on my arrival at the seat of government.

Very truly your obedient servant,

WILLIAM BIGLER.

This agreement, made this 6th day of February, A. D., 1854, by and between the Commonwealth of Pennsylvania, acting by William F. Packer, an agent duly appointed by the Governor of said Commonwealth to superintend the operations of the railroad extending from the city of Erie, in said Commonwealth, southwesterly to the Ohio State line, and known as the Franklin canal railroad of the first part, and the Cleveland, Painesville and Ashtabula railroad company, of the second part, witnesseth, That the said party of the first part hereby agrees that the said party of the second part, shall have the right to run, and the latter hereby agrees to run its stock and machinery over the said railroad, in connection with its own road, for the purpose of transporting passengers and freight over and along the same, to the proper points of destination; and the said party of the second part further agrees, that it will, under the direction of said agent, or his successor in office, keep in repair and maintain in good running order, the said Franklin canal railroad, its side tracks and appurtenances, under the protection of the said party of the first part (which shall at all times be afforded for that purpose), upon the following terms, to wit:

1st. The charges to be made by said party of the second part, for the transportation of passengers and property on said Franklin canal portion of the entire line from Cleveland

to Erie, shall correspond pro rata, with those made on the remainder of said line, and not greater than those heretofore made.

2d. That forty-seven per cent. shall be deducted from the gross receipts of the whole line of road from Cleveland to Erie, and retain by said party of the second part, to meet the running expenses of said entire line, the expenses of repairing stock and machinery, of repairs of the line of road, including side tracks and appurtenances, depot expenses, and the wages of employes and officers of said Cleveland, Painesville and Ashtabula railroad company, Provided, however, That said party of the second part, shall not be required to make any extraordinary repairs upon the Franklin canal division of said line of road, at an expense in any one instance exceeding two hundred dollars, which may be rendered necessary by the accidental or malicious destruction of any bridge or other structure connected with said last named road; such extraordinary repairs may, nevertheless, be made at the proper expense of said Franklin canal portion of said road, upon the assent of said agent or his successor in office being given therefor; but in case such assent shall, in the opinion of said party of the second part, be unreasonably withheld, the latter hereby reserves the right from the time of such refusal to terminate this contract.

3d. The balance remaining after the deduction of such forty-seven per cent., shall be divided into two parts, which shall be in proportion to the lengths of the respective portions of said line of road; that is into twenty-five ninety-fifths and seventy ninety-fifths of the whole. The latter portion shall be retained by the party of the second part, together with sufficient portion of said twenty-five ninety-fifths to pay the interest on the indebtedness, of every kind, due from said Franklin canal company, or secured on any portion of said road, known as the Franklin canal road, and amounting in all to two hundred and forty-six thousand two hundred and fifty-eight dollars and fifty-seven cents, and the interest on the cost of twenty-five ninety-fifths of the stock and machinery employed in running said entire line of road. And the said party, of the second part, shall also retain the costs of such extraordinary repairs as shall be made in pursuance of the assent so given, as above provided.

4th. Said party, of the second part, hereby agree to pay over to the order of said agent or of his successor in office, weekly, the net balance, as above provided, of said twenty-five ninety-



fifths of the earnings of said line of road, as nearly as practicable, and to adjust the true balance as soon as possible after the expiration of each month, during the continuance of this contract.

5th. Said agent and his successors in office shall at all times have access to the accounts of the said party of the second part, for the purpose of ascertaining the correctness of the statements of earnings made out by the latter, in pursuance of this contract.

6th. This contract shall continue in force for three months from the date hereof, and the same shall continue thereafter in force until one of the parties shall signify to the other a determination to terminate the same.

7th. This agreement shall in no wise prejudice any rights, either legal or equitable, of the said Cleveland; Painesville and Ashtabula railroad company, pertaining to the said Franklin canal company, to the said road, so known as the Franklin canal company, railroad, or any portion of the same, or to the bonds or stocks of said Franklin Canal Company, or any interests growing out of any of the same; nor shall it be construed, on the other hand, into an admission of the validity or amount of such outstanding indebtedness of said Franklin canal company, for any other than the purposes of this contract.

In witness whereof, the parties hereto have hereunto set their names and seals, the said party of the first part acting by its said agent, and the said Cleveland, Painesville and Ashtabula railroad company, acting by its Vice President, duly authorized thereto.

WILLIAM F. PACKER,

Agent and Superintendent for the Commonwealth of Pennsylvania.

Cleveland, Painesville and Ashtabula railroad company, by

WILLIAM CASE,

Vice President.

Erie, Pa., February 6, 1854.

I have examined and approved the within contract.

WILLIAM BIGLER.

To the Assembly on a Railroad from Erie to the Ohio State Line.

Gentlemen:—

**I**N ACCORDANCE WITH THE REQUEST OF THE Governor of the State of Ohio, I herewith transmit to you a series of resolutions recently adopted by the Legislature of that State, declaratory of the views of that body on the subject of railroad communication between the several States, and so forth.

In making this communication, I deem it proper to repeat the opinion expressed to you in my communication of the 11th ultimo, that a grant for a railroad from the city of Erie to the Ohio State line should be promptly made, and on such conditions as the General Assembly may deem just and proper.

WM. BIGLER.

Executive Chamber,  
Harrisburg, March 28, 1854.

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To the Senate Nominating Ephraim Cornman to be Superintendent of Public Printing.

Executive Department,  
Harrisburg, April 11th, 1854.

Gentlemen:—

**I**NOMINATE EPHRAIM CORNMAN, ESQUIRE, to be Superintendent of Public Printing, agreeably to the provisions of the act of 15th March, A. D. 1853, entitled "A further supplement to an act, entitled 'An Act to create permanently the office of State Printer.'"

WM. BIGLER.

To the Assembly Vetoing "An Act Relating to the Claim of George W. Willetts for Damages Sustained on the North Branch Canal."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 553, entitled "An act relating to the claim of George W. Willetts, for damages sustained on the North Branch canal," without my assent.

The object of the proposed law is to authorize the Canal Commissioners to examine and settle the claim of said Willetts for damages.

By a general law, approved April 6, 1854, claims of this character are referred to the Canal Board for examination and settlement. The remedy provided by that act being fully adequate, there is therefore no necessity for the proposed enactment.

WM. BIGLER.

Executive Chamber,  
Harrisburg, April 11, 1854.

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To the Senate Conveying Certain Information Concerning the Franklin Canal Railroad.

Executive Chamber,  
Harrisburg, April 11, 1854.

Gentlemen:—

**I** HAVE BEEN HONORED BY THE RECEIPT OF a resolution of the Senate, dated April 11, 1854, requesting "the Governor to communicate to the Senate the amount of weekly earnings of the Franklin Canal railroad;" also a resolution of the same date, requesting "the Governor to inform the Senate what deposit it has been made of the money due the Com-

monwealth, from the business done on the late Franklin Canal company's railroad; whether it has been received into the State Treasury, and if not, whether it has been placed in the custody of any party or parties, who have given adequate security for its safe keeping and prompt payment; and also, what is the expense to the Commonwealth for officers' salaries, and other expenditures on said road."

In answer to the first resolution, I respectfully submit the following statement of weekly receipts, as officially communicated to this department by William F. Packer, Esq., superintendent of said railroad, to wit:

Received of the Cleveland, Painesville and Ash-  
tabula railroad company, in pursuance of their con-  
tract with the Commonwealth,

|                          |            |
|--------------------------|------------|
| February 13, 1854, ..... | \$1,616 00 |
| February 20, 1854, ..... | 1,659 00   |
| February 27, 1854, ..... | 1,675 00   |
| March 6, 1854, .....     | 2,387 32   |
| March 13, 1854, .....    | 1,833 00   |
| March 20, 1854, .....    | 1,820 00   |
| March 27, 1854, .....    | 1,846 00   |

|              |             |
|--------------|-------------|
| Total, ..... | \$12,836 32 |
|--------------|-------------|

The receipts since the 27th ultimo, are not known to this department.

In answer to the second resolution, I respectfully inform the Senate that the law revoking the charter of the "Franklin Canal company," made it the duty of the person or persons, whom the Governor should appoint, to deposit the nett revenues in such banks as "may be designated, at least once in every week."

In compliance with this law, the weekly receipts of the road have been deposited in the "Merchants' Bank"



at Cleveland, by the superintendent, to the credit of the Commonwealth, and subject to its order under the provisions of the law.

The superintendent has also "given ample security to cover any moneys that may come into his hands."

It was probably fortunate that the law did not direct that the receipts from this road should go into the Treasury, as they have been mainly collected out of the State, and in a currency much of it below par, and some positively illegal under the laws of Pennsylvania. The arrangements of the superintendent, however, will enable the Governor to invest the proceeds of the road in the loans of the State, as directed by the law referred to, without any loss or sacrifice to the parties interested. And I here beg leave to remark, that I procured the foregoing statement of receipts from the superintendent, for the purpose of investing the amount agreeably to the provisions of the law; but that upon further reflection, I have deemed it prudent to await the action of the Legislature, as to the final disposition of the property of the late Franklin Canal company.

In reference to the expenses of the Commonwealth on the road, it will be perceived by the contract with the Cleveland, Painesville and Ashtabula railroad company, for working the road, communicated to the Legislature by my message of February 11, 1854, that the Commonwealth is to incur no expense, except for the wages of the superintendent and his assistants; and the law revoking the charter of the company, fixes the salaries of the person or persons appointed at fifteen hundred dollars per annum, each.

The judicial proceedings against the company, and the execution of the law revoking its charter, necessarily involved an expenditure on the part of the Commonwealth, the amount of which I am not now pre-

pared to communicate. I shall endeavor, however, to place such information before the General Assembly within brief period.

WM. BIGLER.

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To the Assembly Vetoing "An Act Regulating the General Meetings and Elections of the York County Bank."

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill No. 136, entitled "An Act regulating the general meetings and elections of the York County Bank," without the Executive sanction.

The object of the proposed act is to modify the laws or rules regulating the institution, so as to entitle each share of stock to a vote.

The history of this bank is somewhat peculiar. It was originally a savings institution, and the scale of voting was fixed by its by-laws; but by an act, approved April 10, 1849, it was converted into a bank of issue, "subject to all the provisions, restrictions and conditions of 'An Act extending the charter of the Bank of Montgomery County,' approved April 9, 1849," excepting the first section.

Under the act of 25th March, 1824, by which the Bank of Montgomery County was originally incorporated, the principle of limitation upon the right to vote, is applied, and it is provided, that "the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say; for each share of stock, not exceeding two shares, one vote; for every share above two and not exceeding ten shares, one vote; for every four shares above ten and

not exceeding thirty, one vote; for every ten shares above thirty and not exceeding fifty, one vote; but no share or number of shares above fifty shall confer any additional right of suffrage." The same provision is repeated in the general law of 1850, and thus has been established an uniform system of voting; a rule or principle applicable to all the banks in the Commonwealth, and so far as I have been able to discover has been strictly observed from 1824, up to the present time.

It is not, in my opinion, material to determine whether the scale of voting, as now found in the York County Bank, derived its origin and authority from the general law of 1824, through the medium of the "Act re-chartering the Bank of Montgomery County," or from the by-laws of the original institution; for under either, the limitation on the right to vote, and the relative position of the stockholders are almost identical. But admitting the latter construction as the true one, the fact furnishes no reason for legislative interposition. If the restriction sought to be removed, has been imposed by the voluntary action of the stockholders, it is an additional reason against the proposed law—rendered doubly forcible by the remonstrance of a large majority of the present parties in interest.

That the limitation on the power of capital over mind, as found in the acts of 1824 and 1850, is a wise and necessary restriction, justified by experience and sound public policy, will not, I think, be denied. Without such principle, the immense powers of money, operating through the agency of banking institutions where capital is ever active and accumulating, might become concentrated in the hands of the few. It can readily be perceived, that in the absence of such a restriction, the affairs of a bank, its discounts, loans and accommodations might be managed and swayed by a small number of stockholders. Indeed a single person rep-

representing a majority of the shares of stock, could shape and fashion the directory of a bank, to suit his own views; could elect and depose its officers, accommodate and punish whom he pleased; and in short, could prostitute the franchises granted to the institution for great public ends, to accomplish the most selfish or arbitrary purposes.

It is no argument in favor of the proposed measure, to say that the man of large means in a bank should stand equal with him of small investment, in the scale of control which the whole capital confers. The answer, is, that the man who is only able to hold his ten or twenty shares of stock, will watch the true interests of the institution with as much vigilance, and protect them with as clear a judgment, as the more fortunate capitalist who finds himself in a condition to own hundreds of shares. Neither is it a sound argument to say, that this restriction on the right of stockholders, has not been uniformly applied to railroads and other corporations. The entire organization and purposes of an association to construct a public highway, or to promote some great public measure, are essentially different from those of a bank of issue; and without pausing to inquire whether the restriction could be wisely applied to all, it can readily be perceived why it is so eminently proper in a bank, where the power of capital is so completely concentrated, and ever so active and potent.

The most thorough examination of the subject, has not, therefore, enabled me to discover a sufficient reason for the proposed innovation upon a policy which has been so long, so uniformly, and as I believe, so advantageously observed. In addition to the evils which such a measure might entail upon the business community, and the banks themselves, it must be apparent that the moral tendency would be to substitute capital for intellect and business capacity in the control and direction of these institutions.



Presented to my mind as a mere local affair, confined to a single bank, acceptable to the parties in interest, confident that no wrong is contemplated in this instance, and in the absence of a full knowledge of the uniform policy and the general laws upon the subject, my first inclination was to yield to the wishes of those who desired the measure. But a very slight reflection upon the principles involved in the bill, the perusal of a remonstrance presented to me, by over seventy out of a list of ninety-eight stockholders representing themselves as owning a majority of the shares of the bank, at once removed all doubts as to the requirements of duty, and I have discharged them most in accordance with the dictates of conscience and judgment by withholding my sanction from the proposed laws.

WM. BIGLER.

Executive Chamber,  
Harrisburg, April 15, 1854.

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To the Assembly Vetoing "An Act to Authorize Philip Sweeny, Acting Executor, Etc., Etc., to Sell and Convey Real Estate.

Executive Chamber,  
Harrisburg, April 24th, 1854.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill No. 1009, entitled "An Act to authorize Philip Sweeny, acting executor, &c., &c., to sell and convey real estate," without my assent.

From the facts recited in this bill, it would appear that the executor of the last will and testament of Hugh Sweeny, dec'd, had sold under an order of court, a tract of land to Philip Coll, senior, who died before the execution of a conveyance. It provides that a deed

shall now be delivered by the acting executor to William A. Coll, administrator upon the estate of Philip Coll, senior, dec'd, and also that said administrator be authorized and empowered to sell and convey the same, at public or private sale, for the payment of debts and distribution.

Now, if these are the facts, it is a case of ordinary occurrence, and to which the powers of the courts under the law are fully adequate. The deed of the executor could be made to the heirs and legal representatives of Philip Coll, sen., dec'd, and the necessary power to enable the administrator upon his estate to sell for the payment of debts, could readily be obtained on application to the proper court.

If the case, however, is not provided for by the law, the possibility of its frequent occurrence requires that it and all similar cases be provided for by a general and not a special law.

WM. BIGLER.

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To the Assembly Vetoing "An Act Relative to the Estate of John Rishel, a Lunatic."

Executive Chamber,  
Harrisburg, April 24th, 1854.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 711, entitled "An Act relative to the estate of John Rishel, a lunatic," without my assent.

The object of the proposed law is to authorize the committee of John Rishel, a lunatic, to lease certain real estate for a term of years, at public sale or private contract.

The act of April 18, 1853, was designed to cover every imaginable case of sale or lease by trustees or others acting in a fiduciary capacity. The second section, in enumerating the cases wherein sales or leases may be decreed by the courts, expressly provides, "That whenever real estate shall be owned or by minors, lunatics or habitual drunkards, so duly found by inquisition," a sale or lease may be ordered.

From the fact that there is an acting committee, I may presume that the lunacy has been found by inquisition; but, if not, that can be done, as preliminary to a decree of lease by the court.

In any view, then, the courts have abundant power to afford relief in this case.

WM. BIGLER.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Cash Fire Mutual Insurance Company."

Executive Chamber,  
Harrisburg, April 29th, 1854.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 796, entitled a "Supplement to an act to incorporate the Cash fire mutual insurance company, approved the fourteenth day of April, A. D. 1851," without my assent.

My objections are confined to the following terms in the first and only section of the bill: "and the said corporation, in addition to the powers contained in the said act of incorporation, shall have authority to receive and execute all manner of pecuniary and other trusts."

The original act of incorporation provides "that it shall be lawful for said corporation to invest its capital, premiums and profits on real or personal security, in bonds, notes, mortgages, ground rents, judgments, stocks and bonds of the United States, and State of Pennsylvania, and to sell and transfer the same and change the same, and re-invest the funds of said corporation, whenever the directors shall deem it expedient."

It is thus seen that the rights and privileges contained in the charter, are broad and comprehensive, certainly enough so to meet the legitimate purposes of a "fire insurance company;" and I have therefore been unable to perceive the necessity for any additional privileges, if such are intended by the peculiar language used; nor am I sure that I rightly comprehend the object to be attained. If the purpose of the bill is merely a change of name, then this interpolation is unnecessary, and I am apprehensive that the terms to "receive and execute all and all manner of pecuniary and other trusts," might have the effect of converting a "fire insurance company," into an institution not contemplated by its charter or by the bill under consideration, to enable it in addition to its legitimate purposes, to assume and exercise those of a money dealer. This was not surely desired by the company, nor intended by the general assembly; for the privileges, in spirit or letter, of banking either of issue or deposit and discount, cannot be conferred without six months previous notice, under the provisions of the Constitution, and in the precise form prescribed by the law.

I am aware that from the vagueness of the language used, it would require a somewhat forced construction to confer the powers apprehended; but then it can confer no others, and being useless for any other purpose, should be omitted altogether.

My attention has been more forcibly directed to this



subject, by the fears that certain other kindred institutions in the State, claim the right to receive deposits, discount paper, and do the ordinary business of a deposit bank, by force of similar ambiguous terms. If such fears are well grounded, it shows the importance of increased vigilance in guarding the public against the tendency, which seems to be inherent in all such institutions, to enlarge their privileges, and to assume powers not clearly and expressly granted.

In conclusion, gentlemen, permit me to say that the views I have presented suggest with great force, the importance and safety of general laws. All life, fire and other insurance companies, should have the same powers and privileges, and be subject to the same uniform rules and regulations, instead of each possessing distinctive and peculiar features, and scattered at random over the pages of our annual laws.

WM. BIGLER.

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To the Assembly Vetoing Certain Bills Concerning Banks.

Harrisburg, May 4th, 1854.

Executive Chamber,

Gentlemen:—

THE FOLLOWING BILLS HAVE BEEN PRESENTED for my consideration and approval, and I herewith return the same without my consent, to the Senate, in which body they originated:

Bill No. 159, entitled "An Act to incorporate the Donegal Deposit Bank," to be located at Marietta, in Lancaster county; No. 215, entitled "An Act to incorporate the Catasauqua Deposit Bank, at Catasauqua;" bill No. 213, entitled "An Act to incorporate the Farmers' Deposit Bank of Lehigh county;" and bill No. 996,

entitled "An Act to incorporate the Mount Pleasant Savings Bank."

The principal objection to the bills under consideration, is that no adequate liability is imposed upon the stockholders, for the protection of those who may be creditors of the institutions. It has become a settled principle, that in granting corporate privileges, where large private gains are expected, and the public deeply interested in the operations of an institution and its ability to meet its engagements, that the individuals thus associating, shall be severally liable, in their private estates, for the debts of such corporations.

This principle has been applied very properly, it is believed, to the banks of issue and to mining and manufacturing companies, and the public are certainly quite as much interested in the safety and solvency of a bank of deposit as in these corporations. Inviting deposits by the offer of liberal terms, the entire community surrounding such an institution may become creditors, and especially those classes least able to bear a loss; and hence the propriety of furnishing an efficient protection. The application of the principle is not more salutary upon the public mind, by inspiring confidence and trust, than upon the corporators themselves; and the greater vigilance resulting from a proper sense of responsibility, would more than compensate for this increased liability.

Whilst it is true that mere banks of deposit, not having the power to increase the aggregate of paper circulation, are not liable to the objections generally urged against an increase of banking capital, as a basis for paper issues, and cannot inflate prices by an expanded currency, they should nevertheless be guarded by every proper limitation, for the security of the public. Nor should such institutions be established at random, and without a due regard to actual business wants; but only in such localities as manifestly re-

quire them. In places where a large amount of business is transacted, I can see no well founded objection to such an agency. Thus, from the size and importance of the place, an institution of the kind at Allentown might be eminently proper, and be of great benefit to its business inhabitants; and, perhaps, at other points indicated in the bills before me; but in this, as in all other allowable measures, the utmost discretion and judgment must be exercised, and the true interest and safety of the public every held in view.

Misapprehension seems to have existed as to the extent of the liability imposed by the general banking law of 1850, under which the proposed institutions are to be organized. It was certainly such erroneous impressions that secured the approval of the bill to incorporate the Citizens' Deposit Bank of Pittsburg, for in all other similar cases the principle of individual liability seems to be rigidly adhered to. Even in this case, however, there is an express reservation in the act of incorporation, that the Legislature may impose new conditions if necessary, which to some degree, at least, supplies the omission of an express individual liability. As there seems, therefore, to be a defect in the general law in this particular. I respectfully recommend that it be so amended as to apply the principle of individual liability to deposit banks hereafter incorporated, as well as to those already established, in whose charters the right is reserved to impose new conditions, if necessary.

WM. BIGLER.

Proclamation of a Day of Thanksgiving.—1854.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the  
Commonwealth of Penn-  
sylvania. WILLIAM BIG-  
LER, Governor of said Com-  
monwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.

Fellow-Citizens:—



A sincere belief in the existence of God, and a just conception of His attributes lie at the foundation of true religion and civilized society. The free declaration of this belief becomes a Christian people.

This Almighty and Beneficent God has greatly blessed the Commonwealth and her inhabitants during the year that has just closed.

An humble acknowledgment of His goodness and mercy, and an open manifestation of gratitude to Him, is an act of homage eminently becoming a people so highly favored.

The blessings of peace He has bestowed upon us. Our relations with all other States are most amicable, and the tumult of internal strife has not been heard in our midst. All the great interests of the people have been eminently prosperous, except only the agricultural, which in parts of the State, has suffered from the drought.

With the exception of a few communities which claim our sympathies, the blessings of health have prevailed. Our institutions of government have been perpetuated, and civil and religious liberty enjoyed by



the people. The cause of Education and Christianity has been advanced—the arts and sciences have progressed, and the moral and physical condition of the country been improved.

The devastations of war which are now so sorely afflicting the people of Europe—the desolations of famine and the ravages of pestilence, have not been permitted to invade our favored Commonwealth.

These manifold blessings are the gift of God, and to Him our most devout thanks should be offered. Under the solemn convictions of duty therefore, and in conformity with the wishes of many good itizens, I, WILLIAM BIGLER, Governor of the Commonwealth of Pennsylvania, do hereby appoint Thursday, the 23d day of November next, as a day of general thanksgiving and praise throughout the State, and earnestly implore the people, that, setting aside all wordly pursuits on that day, they unite in offering thanks to Almighty God for his past goodness and mercy, and beseech Him for a continuance of his blessings.

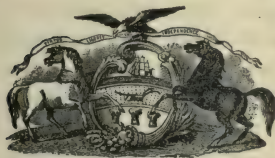
Given under my hand, and the Great Seal of the State, at Harrisburg, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and fifty-four, and of the Commonwealth the seventy-ninth.

By the Governor,

C. A. Black,  
Secretary of the Commonwealth.

Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1854.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the  
Commonwealth of Penn-  
sylvania. WILLIAM BIG-  
LER, Governor of said Com-  
monwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Whereas, By an act of the General Assembly of this Commonwealth passed the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," it is made the duty of the Governor on returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth to declare by Proclamation the names of the persons so returned as elected in the respective Districts.

And Whereas, The Returns of the General Election held on Tuesday the tenth day of October now last past, in and for the several Districts for Members to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act, whereby it appears that in the First district, composed of Southwark, Moyamensing, Passyunk, in the County of Philadelphia, and Cedar, Lombard,

Spruce and New Market Wards, in the City of Philadelphia, Thomas B. Florence has been duly elected. In the Second District, composed of the City of Philadelphia excepting the before mentioned Wards, Job R. Tyson has been duly elected. In the Third District, composed of Kensington and the Northern Liberties of the County of Philadelphia, William Millerard has been duly elected. In the Fourth District composed of Spring Garden, Penn District, North Penn, Kingessing, West Philadelphia, Blockley, Richmond, unincorporated Northern Liberties, Bridesburg, Aramingo, in the County of Philadelphia, Jacob Broome has been duly elected. In the Fifth District, composed of Montgomery County and Bristol township, Upper and Lower Germantown, Upper and Lower Manayunk, Frankford, Roxborough, Byberry, Lower Dublin, White Hall, Oxford, and Moreland, in the County of Philadelphia, John Cadwallader has been duly elected. In the Sixth District, composed of the counties of Chester and Delaware, John Hickman has been duly elected. In the Seventh District, composed of the counties of Bucks and Lehigh, Samuel C. Bradshaw has been duly elected. In the Eighth District, composed of the County of Berks, J. Glancy Jones has been duly elected. In the Ninth District, composed of the County of Lancaster, A. E. Roberts has been duly elected. In the Tenth District, composed of the counties of Lebanon, Dauphin and Union, and township of Lower Mahanoy, in the County of Northumberland, John C. Kunkel has been duly elected. In the Eleventh District, composed of the counties of Schuylkill and Northumberland, except Lower Mahanoy township, James H. Campbell has been duly elected. In the Twelfth District, composed of the counties of Montour, Columbia, Luzerne and Wyoming, Henry M. Fuller has been duly elected. In the Thirteenth District, composed of the counties of Northampton, Monroe,

Carbon, Pike and Wayne, Asa Packer has been duly elected. In the Fourteenth District, composed of the counties of Susquehanna, Bradford and Tioga, Galusha A. Grow has been duly elected. In the Fifteenth District, composed of the counties of Lycoming, Sullivan, Clinton, Potter, Centre and Mifflin, John J. Pearce has been duly elected. In the Sixteenth District, composed of the counties of York, Cumberland and Perry, Lemuel Todd has been duly elected. In the Seventeenth District, composed of the counties of Adams, Franklin, Fulton, Bedford and Juniata, David F. Robison has been duly elected. In the Eighteenth District, composed of the counties of Somerset, Cambria, Blair, and Huntingdon, John R. Edie has been duly elected. In the Nineteenth District, composed of the counties of Westmoreland, Armstrong and Indiana, John Covode has been duly elected. In the Twentieth District, composed of the counties of Fayette, Greene and Washington, Jonathan Knight has been duly elected. In the Twenty-first District, composed of the County of Allegheny, except that part which lies northeast of the Ohio and northwest of the Allegheny rivers, David Ritchie has been duly elected. In the Twenty-second District, composed of the County of Butler and that part of Allegheny County not included in the Twenty-first District, Samuel A. Purviance has been duly elected. In the Twenty-third District, composed of the counties of Beaver, Lawrence and Mercer, John Allison has been duly elected. In the Twenty-fourth District, composed of the counties of Venango, Warren, McKean, Clearfield, Jefferson, Forest, Elk and Clarion, David Barclay has been duly elected. In the Twenty-fifth District, composed of the counties of Erie and Crawford, John Dick has been duly elected.

Now Therefore, I have issued this Proclamation hereby publishing and declaring that Thomas B. Flor-



ence, Job R. Tyson, William Millerard, Jacob Broom, John Cadwallader, John Hickman, Samuel C. Bradshaw, J. Glancy Jones, A. E. Roberts, John C. Kunkel, James H. Campbell, Henry M. Fuller, Asa Packer, Galusha A. Grow, John J. Pearce, Lemuel Todd, David F. Robison, John R. Edie, John Covode, Jonathan Knight, David Ritchie, Samuel A. Purviance, John Allison, David Barclay, and John Dick have been returned as duly elected in their Several Districts before mentioned as Representatives in the Congress of the United States for the term of two years to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this third day of November in the year of our Lord one thousand eight hundred and fifty-four and of the Commonwealth the seventy-ninth.

By the Governor,

C. A. Black,  
Secretary of the Commonwealth.

Proclamation of the Election of Jeremiah S. Black  
as Judge of the Supreme Court.

Pennsylvania, ss.



**I**N THE NAME AND BY  
the authority of the  
Commonwealth of Penn-  
sylvania. WILLIAM BIG-  
LER, Governor of said Com-  
monwealth.

[Signed] Wm. Bigler.

A PROCLAMATION.



Whereas, In and by An Act of the General Assembly of this Commonwealth passed the 15th day of April, A. D. 1851, entitled "An Act to provide for the election of Judges of the Several Courts of this Commonwealth and to regulate certain Judicial Districts," it is enacted and provided as follows, viz: Section Nine, "That on the First Tuesday in November next following any election authorized by this Act, the Secretary of the Commonwealth Shall in the Hall of the House of Representatives in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened and the votes cast for Judges of the Supreme Court to be accurately computed; and the Governor shall forthwith issue his Proclamation declaring so many of the persons voted for, for Judges of the Supreme Court as shall be required to be elected by this Act and who has received the greatest number of votes to be duly elected.

And Whereas, The Secretary of the Commonwealth did at the time and place and in the manner provided by the Act aforesaid cause the returns of the election

made to him to be opened and the votes cast for Judges of the Supreme Court to be accurately computed;

Now, Therefore, In obedience to the requirement of the above recited Ninth Section of the Act of the General Assembly aforesaid, I do hereby issue this Proclamation publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the late General Election held on the Second Tuesday of October last, Jeremiah S. Black having received the greatest number of votes, has been duly elected.

Given under my hand and the Great Seal of the State at Harrisburg this seventh day of November, in the year of our Lord one thousand eight hundred and fifty-four, and of the Commonwealth the seventy-ninth.

By the Governor,

C. A. Black,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1855.

Gentlemen:—

**W**HILST THE EVENTS OF THE YEAR JUST closed, present many causes of joy and congratulation, and afford abundant reason for thankfulness to a beneficent Providence for his goodness and mercy—our prosperity and happiness, as a people, I regret to say, has not been unalloyed. The general growth of the country, the progress of the arts and sciences, and other causes of moral and social comfort, have not, it is true, been interrupted; but the loss of valuable lives and property, by the casualties of the elements, has been unusual, both in number and ex-

tent; and in certain sections of our Commonwealth the afflictions of pestilence and disease have also been sorely felt. Nor should we estimate lightly the suffering that manifestly exists among the poor in our cities and towns. The drought of the season deprived the husbandman, to some extent, of the anticipated rewards of his labor, and lessened the means of human subsistence; whilst the depression in monetary and business affairs has deprived many laborers and mechanics of their usual earnings. The means of subsistence are thus greatly enhanced in value, at the same time that the opportunities of earning them are much diminished. The field for charity is consequently wider than usual; and to meet its reasonable demands on the part of those blessed with an abundance, will be to sustain the Christian character, and measurably to merit the continued bounty of Heaven.

The operations of the Treasury for the last year, will be presented to you in detail, by the head of that department. The results are highly satisfactory, showing a steadily increasing revenue from nearly all the ordinary sources.

The aggregate receipts for the fiscal year of 1854, including loans and the balance in the Treasury, on the 30th of November, 1853, amounted to the sum of \$6,665,912.01. The gross payments for the same period, to the sum of \$5,424,983.29; leaving a balance on the 30th of November, of \$1,240,929.72.

The extraordinary payments consisted of the following items, to wit: loans repaid, \$235,888.40; to the North Branch canal, \$206,552.76; to the construction of the new railroad over the Allegheny mountains, \$461,921.03; to the payment of debts on the public works, \$389,946.38. Of the balance remaining in the Treasury, a portion is applicable to the payment of the State debt, and the remainder to current demands.



The simple, or ordinary operations of the Treasury for the same period, were as follow, to wit: The receipts, exclusive of loans and the balance in the Treasury on the 30th of November, 1853, realized from permanent sources, amounted to the sum of \$5,218,099.00. The ordinary expenditures, including the interest on the State debt, and all the payments on the finished lines of the public works, excluding the payments on new works and loans, amounted to \$4,116,744.84; being \$1,101,490.15 less than the receipts,

This statement may be regarded as the workings of the Treasury simplified; and as establishing the gratifying fact that the present reliable revenues of the State exceed the ordinary or unavoidable expenditures over a million of dollars; and that, relieved from the demands for the construction of new improvements, the Treasury could pay a million or more of the public debt annually. It will also be perceived that the income from these sources is steadily increasing. For instance, in 1846, with the State tax at present rates, and the same extent of improvements in use, with nearly all the present sources of revenue in operation, the gross receipts amounted to but little over three and a half millions.

No more reliable estimate of the operations of the Treasury for 1855 can be made than is furnished in the results for 1854. The ordinary receipts may be safely estimated at a million of dollars above the unavoidable expenditures. A portion of this excess will be required to complete the new Portage railroad, and the North Branch canal; and the remainder should be faithfully applied toward the payment of the State debt.

The aggregate receipts on the public works for the past year, as reported by the Canal Commissioners, amounted to the sum of \$1,876,078.88; and the expenditures to the sum of \$1,101,570.54; leaving a bal-

ance of \$774,508.34, from which, however, should be deducted the sum of \$37,900, properly chargeable to the year, for new locomotives and other unavoidable expenditures—thus reducing the net profits to \$736,608.34. If we add to this, \$131,000.00 received from the Pennsylvania railroad company for the three mill tax, which is claimed by some as a part of the income from the public works, we find a net revenue of \$867,000; a sum equal to the interest on seventeen millions of the five per cent. debt of the State. The aggregate receipts were \$57,121 less than for the year 1853, and the reduction in expenditures amounted to over \$159,287,000. The withdrawal of the business of the Pennsylvania railroad from the Portage road, readily accounts for this difference.

Viewed in every aspect, this exhibit is gratifying. Few similar systems of improvement in the country can present a more favorable picture. Some of them, in other States, have recently been reduced to a condition of virtual insolvency. The increase of business on the State works for the two last years, has exceeded our anticipations; and but for the necessity which seemed to exist for a reduction in tolls to meet surrounding competition, the revenue would have been largely increased. The general movement now on foot amongst railroad companies, to advance these rates, may, perhaps, relieve the State to some extent in this respect.

The Delaware division makes a most gratifying exhibit. The gross receipts counted \$365,327.07, and the expenditures \$59,738.67, showing a net profit of \$305,588.40; a sum equal to the interest on six millions of the public debt, and to 20 per cent. on the original cost of the work, including the expenditures for new locks.

The North Branch canal and the Columbia railroad also present favorable results. The business and tolls

on the former have increased with marked rapidity; and the management on both these branches bear the marks of skill and economy. The expenses on the Allegheny Portage road have been largely reduced, and the business better regulated than at any former period. As a whole, I feel constrained to say, that the condition of the public works has been improved during the last year: in no other particular, to so valuable an extent, as in the matter of contracting debts, which it seems has been almost entirely avoided. The officers on the respective lines report that they have paid all expenses; and some of them have gone so far as to say to the Canal Board that they will be personally responsible for any debts that may hereafter be discovered. This is truly a great reform—for nothing has cost the State so much, as the pernicious practice of making debts on the public works;—I still think it should be interdicted by positive law.

In my last message I gave my views at length, as to the principles and rules that should control in the management of the State improvements, and I need not repeat them in this. I would respectfully suggest, however, that so much of the law as binds the Canal Commissioners to a fixed rate of tolls for the whole season, should be repealed. The officers directing the operations of the public works should, it seems to me, be left free to meet the exigencies in trade and commerce, as they may arise.

The work on the Mountain railroad has progressed slowly, and it is obvious that it will not be fully completed before the summer of 1855. I must confess myself sadly disappointed as to the time and money consumed in the construction of this work. The expenditures, since I came into office, have greatly exceeded the whole amount estimated as necessary to complete the line; and yet, it is but justice to say, that the Pennsylvania railroad, lying parallel with it, has cost a still larger sum per mile.

I have endeavored, during my service, to guard against the commencement of schemes of this or any other character, to entail future liabilities on the Treasury. This ought to be the settled policy of the State. No new improvements should be undertaken, upon any pretext whatever. The payment of the debt, and that only, should absorb the surplus revenues of the Treasury. If this policy be pursued, no other financial scheme to pay the debt will be necessary. The large annual surplus will reduce the State's indebtedness with sufficient rapidity.

I regret, exceedingly, the necessity of announcing to you that the North Branch canal is not yet in full operation. It is now more than a year since the Canal Commissioners directed the water to be let into the main trunk of that improvement, and declared their confident belief, that it would be in successful operation by the middle of last summer; but their sanguine expectations, as well as those of the people, have, in this respect, been sadly disappointed. A variety of unforeseen difficulties presented themselves in the way of the attainment of this end. The old work, constructed some twelve or fifteen years since, as well as some sections of the new, located on the hill side, near the margin of the river, when tested by the admission of water, turned out to be porous, and totally insufficient in its material and formation. In some instances rocks, roots, trees and stumps have been concealed under the bottom of the canal channel, covered only by a few inches of earth; thus presenting but a slight obstruction to the passage of the water out into the bed of the river. This is especially the case in much of the old work. In all such sections or places, no remedy, short of a reconstruction of the bottom of the canal, could prove sufficient; and this was necessarily a tedious and expensive process. There is still a considerable portion of the work to



remodel in this way; but it is confidently believed that it will be ready for use in the early part of the coming season. That the utmost skill and vigilance has at all times been exhibited by the agents of the State, on this line, I do not believe; but the deficiency, in this particular, on the new work, has not been so palpable as alleged by some. Indeed, since May last, great energy has characterized the management on this line; the President of the Canal Board having devoted much of his time to a personal supervision of the work. But it is obvious, no degree of capacity in the State's agents, for the last year, could have overcome all the difficulties that were encountered, with sufficient celerity, to have entirely satisfied public expectation.

At the time I came into office, the sum necessary to complete this work was estimated at \$772,000. Since that time the sum of \$1,206,552.72 has been expended, and it will still require, as estimated by the Canal Board, \$60,000 to put it into complete operation.

Whilst I regret this unforeseen cost and delay, I cannot refrain from repeating my unfaltering confidence in the wisdom of the policy that dictated the completion of this work. The large increase of business and tolls for the year just closed, on the older portion of the line, indicates that we may safely anticipate from the new; and, I cannot doubt, that the gross amount of business it will command, and the revenue it will yield, will exceed the most sanguine expectations of its advocates. The inexhaustible mines of coal with which that section of the State abounds, the products of which are destined to pass through this avenue to a limitless market, will furnish for it a never failing supply of business and tonnage. Besides, its completion will be an act of justice to the industrious and enterprising inhabitants of that part of the Commonwealth, who have heretofore willingly contributed

towards the construction of the other improvements of the State, from which they could derive but little advantage. It will, also, add to the general prosperity of the adjacent country; to the value of property, and consequently to the revenues of the State.

At the time of my induction into office

the funded debt, including accrued

interest, amounted to the sum of.. \$40,154,457 48

Add to this the loan of April, 1852, to

complete the North Branch canal, .. 850,000 00

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\$41,004,457 48

Deduct payments as follow:

Interest on outstanding

certificates, ..... \$50,063 39

Receipts to the sinking

fund up to this time,.. 1,057,856 15

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1,103,919 54

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Total funded debt, ..... 39,900,537 94

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The floating debt and unpaid appropriations at the period already indicated, ..... \$1,421,090 15

Deduct the available balance then in the Treasury, ..... 750,000 00

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\$671,090 15

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The floating debt, temporary loans, unpaid appropriations, except for repairs after the 1st December, 1854,.. \$1,630,000 00

Balance in the Treasury November 30, 1854, after deducting the amount applicable to the old public debt and the relief issues then on hand, ..... 865,929 00

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Balance, ..... \$765,929 00

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During the same period the following appropriations and payments have been made toward the construction of new improvements, to wit:

|  |                |
|--|----------------|
| For the reconstructing of the Columbia railroad, .....   | \$514,407 66   |
| For the new railroad over the Allegheny mountains, ..... | 1,117,955 93   |
| For the completion of the Western reservoir, .....       | 52,388 00      |
| For the North Branch canal, .....                        | 1,206,352 76   |
| New locks on the Delaware division, ..                   | 100,319 99     |
| Sundry special payments, .....                           | 95,353 71      |
|  | <hr/>          |
|  | \$3,086,778 05 |
|  | <hr/>          |

The foregoing figures exhibit the astonishing fact, that the Treasury has been annually paying over a million of dollars towards the construction of new improvements, and at the same time accomplished a small reduction of the public debt.

As made my duty, by an act of the Legislature, approved the 27th of April last, providing for the sale of the main line of the public works, sealed proposals for its purchase were invited, up to the first Monday of July last. No offers were made under this invitation: and public notice was again given, on the 14th of November last, in accordance with the 29th section of the act, for proposals, to be submitted to the General Assembly; but none have been received. This improvement is, therefore, still the property of the State, subject to such disposition as the Legislature may deem necessary.

My mind has undergone no change on the subject of selling the public works, since the period of my last message. I think the policy of the measure depends mainly upon the price that can be obtained, and the conditions on which purchasers may be willing to hold

these works for the use of the public. With a full and fair consideration, and on terms amply protective of the rights and interests of the people, in the future enjoyment of these highways—a sale might not prove injurious to the public weal. But it is certainly neither wise nor politic to assume that they must be sold for whatever can be obtained; or that they should, in any event, be given away. Nothing could have a more prejudicial effect upon the interests of the State, as involved in these improvements, than the avowal of such a determination. Nor is it less unwise to disparage the value of the Commonwealth's property, at the very moment of putting it in market for sale. No intelligent private citizen would so act, in reference to his own estate. He would hardly give notice to capitalists, in advance, that he would sell his farm for a fair price; but if unwilling to pay such reasonable consideration, they could have it for half the money. Nor would such a person proclaim, that of all the farms in the country, his was the least productive.

It is certainly the wish of many good citizens of the State—perhaps of a majority—that the public works should be sold; but this desire is evidently based upon the assumption that the measure would be one of real economy—that it would lessen, without the hazard of increasing their annual taxes. The realization of such an object, it must be perceived, then, depends entirely upon the price and terms. Those who desire a sale, certainly expect the State to be the gainer by such a measure. No other important or sufficient reason for parting with this property has been assigned.

It is usually said that the works should be sold to pay the public debt and lessen the burthens of the people: but it must be observed that a sale might be made at a price far too low to effect such purpose; and if so, to give them away would be still less likely to produce the desired result. Should the gross sum



received not be equal to that on which the net earnings would pay the interest, then the effect would be to increase, rather than diminish these annual burthens. This is not what the people desire to accomplish by a sale; nor will they be satisfied with such disposition of their property.

The real value of the public works is a proposition full of difficulty; and I doubt not the General Assembly will approach the inquiry, duly impressed with its importance. Ten millions of dollars was fixed, by the law of last session, as the price for the main line. This minimum is said by some to be too high, and the failure to sell, regarded as the consequence. Others attribute the absence of bidders to the condition of the money market—to the stringent restrictions imposed upon the law; and to the efforts that had been previously made to disparage the value of the line. But it is obvious that more than one of these causes may have operated; and a greater than all may have been, the hope of getting this property on better terms, at a future time. I feel very confident that the latter consideration was not without its influence. But, be this as it may, it is certainly wiser to fail to sell from any one of these causes, than to hazard the works in the market, without any restriction or limitation as to price or conditions. A bad sale would assuredly be a greater misfortune than no sale at all.

The benefits resulting to the people from these improvements have been numerous and diversified. They have facilitated trade and commerce; stimulated productive industry in every department; and have not only enabled the farmer to reach a ready market with the fruits of his labor, but have furnished convenient outlets for the rich mineral treasures of the State. Without them, the miner would be deprived of his occupation, the transporter be left in hopeless destitution, and the Commonwealth itself be permitted to

retain a parsimonious possession of vast masses of natural and unproductive riches. Our predecessors were wise in opening these avenues to trade and commerce; and if we wish to be rated wise hereafter, we shall not rashly and hastily throw away the advantages of their future use. This use, to the full extent, in the event of a sale, can only be secured by a jealous protection of the right of the people to enjoy it. The very first conditions of such a measure should be, that the works, and every branch of them, be kept at all times in good order and in operating condition, and remain forever public highways, for the use of all persons who may wish to transport goods or merchandise over them, upon rates not greater than those charged upon other similar improvements.

No corporation should get possession of these valuable avenues, on such conditions as would enable it to impose unreasonable burthens on the internal trade and tonnage of the State, or in any way to encroach upon the rights of the individual citizen. To obviate such results, the powers, privileges and restrictions of any corporation getting the works should be minutely defined. Past experience suggests these prudential counsels; for we have often seen in this State, how difficult it is to confine the operations of these artificial bodies within the limits prescribed by the law; and we should not fail to profit by the lesson.

By the twenty-ninth section of the act of the ninth of May last, providing for the ordinary expenses of government and other purposes, Nimrod Strickland, of Chester county, John N. Purviance, of Butler county, and John Strohm, of Lancaster county, were named as commissioners to settle certain claims and debts against the Commonwealth. It was also made the duty of the Governor to supply, by appointment, any vacancy in this commission which might occur. The gentlemen already named having declined to serve,

I accordingly appointed William W. Williamson, of Chester county, William English, of Philadelphia, and John C. Magill, of Westmoreland county, in their stead.

After a tedious and laborious investigation, these gentlemen have completed the duty assigned to them, and the result will be communicated to you, in detail, in their own report.

I regret to perceive that the accounts so examined and settled, exceed the amount of the appropriation nearly \$150,000. It is well, however, to see the end of claims of this character; and having accomplished this, it will be prudent to guard against the recurrence of a similar state of affairs. Indeed, the practice of contracting debts on the public works, should be at once and forever abandoned. It has been a fruitful source of confusion in the accounts, if not of palpable wrong upon the Treasury. The right to scatter the credit of the Commonwealth in this unguarded way, is, I venture to assert, without a parallel in the management of public affairs. Of the many defects in the system of managing the State improvements, this has been the most productive of evil. In my first, as also in my last annual message, I most earnestly urged the General Assembly to provide, by law, that no debt should be contracted by the officers on the public works;—that the necessary labor and material to maintain these works should be paid for in cash—and that each officer should be compelled to settle his accounts promptly. The examinations just made demonstrate still more clearly the necessity for such reform.

Repeated attempts have been made to repeal so much of the act incorporating the Pennsylvania railroad company, as requires it to pay into the Treasury annually a certain percentage on the amount of tonnage which may pass over that road as an equivalent

for the privileges granted by the Commonwealth: but the General Assembly have as repeatedly rejected the proposition; and I sincerely hope, that so long as the State may need the revenue from this source, all future attempts to accomplish this end, may meet a similar fate.

Having been connected with the legislation which brought this company into existence, and clearly cognizant of the motives and purposes which governed the Legislature in imposing this condition on the grant, I can discover no reason, in subsequent events to justify the relinquishment of this valuable reservation; but many, on the contrary, to sustain its justice and utility. The discussions pending the incorporation of the company, will best indicate the object of this restriction. The construction of a railroad from Harrisburg to Pittsburg, parallel with the State works, was very properly urged as indispensably necessary to meet the wants of the traveling public, and to enable our metropolis to compete successfully with other commercial cities. The very first and most formidable difficulty which presented itself in the way of this enterprise, was the prejudicial effect such a work might have upon the business and profits of the main line of the public improvements. It was urged on the one hand, that the State works had been constructed at the expense of the people of the entire Commonwealth—that those residing in the extreme portions of the State, as well as those of the interior, had, annually, contributed towards the payment of the interest on the debt which had thus been contracted; and, therefore, the Legislature could not, consistently with the principles of justice and equity, make a grant that would depreciate the value of property which belonged to all, for the purpose of fostering the growth and prosperity of a particular portion of the State. Good faith and correct moral principle forbade such



action. On the other hand, it was alleged that the increased business which such an improvement would throw upon the Columbia railroad, and the enhanced value of property adjacent to the proposed road, from which the State would derive increased revenue in the form of taxes, would constitute an ample remuneration to her coffers, and thus do full justice to the people as the owners of the works to be affected. But a majority of the Legislature concluded that some additional benefits were demanded, and hence the adoption of the provision to which I have referred.

The stock was subscribed with a full knowledge of this reservation, and the acceptance of the charter by the company, was the consummation of a solemn agreement between them and the State.

Yet, under the specious plea that it imposes a tax on trade, the Commonwealth is now asked to relinquish this condition; and the case is argued as though it had been the policy of the law, that the company should impose this charge of three mills per ton upon every species of property which may pass over its road; and in this way it is very readily shown that on coal, iron, lumber and other cheap tonnage, this charge would be too great. But the company are not obliged to assess this tax on all kinds of tonnage; nor was it the intention of the act that they should do so. The design was to make an exaction from the nett profits of the company, for the use of the public coffers, as a compensation for a valuable grant, and thereby protect the public improvements from the competition of this new rival. The tax on tonnage, therefore, was intended to indicate only the mode of ascertaining the sum to be paid, and not the specific tonnage on which it should be charged. When the sum is in this way ascertained, it matters not to the State how the company obtains the money; whether it be by charges on freight, or on passengers—on local, or on through tonnage. Should, therefore, certain kinds of tonnage be

improperly oppressed, the fault is with the company, not in the law. And surely it will not be contended that the protection thus thrown around the works of the State is unnecessary;—so far from this, the wisdom and utility of this feature of the company's charter has already been made manifest. The very exigency anticipated by the Legislature has arisen: the competition of the railroad is already seriously felt by the main line. Relieved from this restraint, but a meagre portion of the carrying trade would be left for that branch of our improvements. Nor will it be contended that the Commonwealth does not need this source of revenue.

But, viewed alone, as a matter interesting to the owners and transporters of tonnage, what guarantee would they have that the rates of transportation would be reduced, were this tax taken off? None whatever. The company could charge as heretofore, and thus realize the amount of the tax in addition to their present profits. If they should not do this, their action would differ from that of similar corporations under like circumstances. But to admit, what is claimed, that a reduction in the charges of transportation to a similar extent, would take place, it must be perceived would duplicate the loss to the State; for she would not only thereby lose the amount of the three mill tax, but be deprived of a very large portion of tonnage which would be attracted to the company's road by this reduction in the rates of transportation. We are thus brought to the simple inquiry, whether the State shall retain this valuable income, to which she is so justly entitled, or whether she shall give it to the railroad company. Most certainly the latter alternative should not be adopted, so long as the question of selling the State improvements remains undecided.

As a mere revenue measure, this tax constitutes

an important and increasing item in the annual receipts of the Treasury. In the year 1853, it amounted to the sum of \$74,000, and for the year 1854, to \$131,000

That this amount will be materially increased hereafter, is self-evident. If this important item be withdrawn from the sinking fund, there will be but little left to sustain its operations.

I am aware that these views may be met with the plausible argument that trade and commerce should not be thus burthened—that the effect is prejudicial to the business of the State. This is true to a certain extent; and should have its full weight in the adjustment of a question of this character. But it will scarcely be contended that trade and commerce should be sustained by contributions from a needy Treasury. On this principle, it could as reasonably be maintained that the State should make no charges, whatever for the use of her own works.

The administration of Governor Shunk commenced the cancellation of the relief issues; and that of my immediate predecessor arrested the process, leaving \$650,163.00 of this unsightly currency in circulation. In the spring of 1853, the policy of cancellation was again resumed; and up to this date, \$485,384.88 had been received into the sinking fund, applicable to that purpose, leaving the meagre sum of \$154,778.12, to provide for. The gratifying fact is apparent, therefore, that, without any further legislation on this subject, the entire outstanding balance of relief notes can be withdrawn from circulation and destroyed during the current year. It is true that these issues have not come into the treasury as rapidly as the funds for their cancellation have accumulated, and that consequently, a portion of the receipts have not been invested; but this difficulty will be obviated in June next, when the law will go into operation which forbids the banks and receiving officers of the Common-

wealth to pay out these issues, and requires them to be presented at the Treasury for cancellation. We shall, therefore, soon see the last of a currency which has polluted the channels of circulation for thirteen years past; and I trust that the lesson thus taught has been quite sufficient to warn us against similar errors for all time to come.

My opinion on all questions that concern the currency, have been so often expressed, that they must be well known to the Legislature, and need not be given, at length, in this communication. Without, at any time, assuming it would be wise for this State, regardless of the policy of other Commonwealths, to dispense suddenly and entirely with banks of issue, it has been uniformly held that the amount of banking capital as a basis for paper circulation, should be closely limited to the urgent wants of commerce and trade. If the experience of the country is worth anything at all, it has demonstrated the correctness of this policy; and that the use of small bank notes should be discouraged and forbidden. In accordance with this view of the subject, I have, on past occasions, refused to sanction any extensive increase of banking capital.

Every commercial country is liable to alternate seasons of excitement and depression; to periods of extravagant over-trading, followed by ruinous revulsions. The reaction now felt is the inevitable, if not the natural counterpart of an undue expansion of credit, in the form of bank paper, railroad, State and corporation bonds and individual obligations. In those States where the free, or stock-banking system had stimulated the expansion, the workings of the reaction have been disastrous. In our own beloved Commonwealth the shock has been sensibly felt, though far less severe than in other parts of the country. Her partial escape, it is believed, is mainly owing to her prudent



and restrictive policy in the use of bank credit. It is, at least, very clear, that had the free, or stock-banking plan, at one time so zealously advocated, been adopted in this State, or had our present system been greatly expanded, the position of affairs in our commercial metropolis would not have been so favorable as at present. Had the natural tendency to speculation received this artificial stimulant—the limits of safety, like the lessons of experience, would have been passed unheeded; as it is, some good men, in the pursuit of useful enterprises, have been prostrated. It is most unfortunate, that under this influence, all must suffer alike. Those who profit least by the expansion, are often affected most by the contraction. This is especially the case with labor, which is uniformly the last to be elevated in times of prosperity, and the first to go down in those of depression. The banks, as a general rule, make the most out of the convulsions. It is often their error to flatter the merchant and trader when the tide of prosperity runs high, and to forsake him on the first appearance of its ebbing. Even sound banks and of good repute, it is said, are seeking to make money out of the present crisis, by sharing their capital and its benefits with brokers and jobbers, instead of aiding the business community at legitimate rates. How far these allegations are warranted, it is difficult to decide; but it is to be hoped that few, if any, of our banks are justly liable to this charge, for such a practice would be highly improper, and well calculated to excite discontent. Such a departure from legitimate business would demand a prompt remedy at your hands. It may be difficult to confine these institutions to their proper business, with the prospect of better profits in other quarters; but they should be made to feel that they have been created for a higher purpose than merely to enrich the stockholders.

The crisis is a trying one; but there is still reason to hope that the credit and trade of the country will never suffer as much as it has done on similar occasions, in times past. There is now no National Bank to mislead the mercantile class, and to embarrass the commerce which it professed to aid. Still the shock will be great enough to lead the public mind to enquire after a remedy for these periodical convulsions. And, surely, we may be permitted to hope, that the good sense of the people will never again be imposed upon by those crude experiments which have, on some former occasions, so fearfully aggravated the evils they were intended to remedy. I respectfully advise the General Assembly against all such experiments. The remedy, to be permanent, must be a natural one; artificial means may add to present derangements; but cannot correct them. An extensive increase of banking capital and other expedients will, doubtless, be pressed upon your attention; but it is hoped that no such fallacy may find favor. Nor is there any sufficient reason for the alarm and sensitiveness manifested in certain quarters; the real wealth of the country still exists, and the natural elements of prosperity are no less than heretofore. It is the shadow, not the substance that is passing away. The business community should look the danger bravely in the face, and by their energy, honesty and enterprise, overcome it. Mutual confidence and forbearance should be cherished by all, as a means of accomplishing this desirable end.

In accordance with the provisions of a law passed in April last, a vote of the people was taken, at the October election, on the policy of prohibiting the manufacture and sale of intoxicating liquors; 158,342 votes were cast in favor of the measure, and 163,510 votes against it.

The proper regulation of this subject greatly con-

cerns the moral welfare of the people, and for that reason will claim your anxious consideration. Perhaps no other moral question within the range of your authority, so deeply interests the people of every class, race and condition. Indeed, the immoderate use of intoxicating drinks is an evil that has left its fatal mark in every vicinage. Its progress, fortunately, has been steadily resisted by individuals and societies, who have employed the power of truth and reason against it. These efforts have done much, and may do more hereafter to mitigate the evil. Avoiding all vexatious encroachments upon the rights and privileges of every citizen, there is clearly no reason why the influence of a well designed law, regulating and restraining the sale of intoxicating liquors, should not be brought to the aid of these individual efforts. Although the vote of the people would seem to indicate their aversion to the particular measure of reform proposed, it is not to be inferred, for that reason they are averse to all attempts at reformation. Such an inference, I am confident, would not be a true reflection of their sentiments. So far from this, they acknowledge the existence of the evil and the necessity of proper remedies. Our present license laws to this end, might, in my opinion, be usefully revised—the object of such revision being to lessen the vice of intemperance. That those laws need such revision, is conceded. So far as relates to the city of Philadelphia, they are peculiarly prejudicial to public morals, and seem to have been constructed to promote the convenience of drinking, far more than to restrain its evil consequences. The subject is worthy of your early and deliberate consideration.

The report of the Superintendent will exhibit to you in detail, the operations of the Common School system for the year just closed; and I respectfully recommend the suggestions of that officer to your careful consideration.

The general law of 1849, with amendments and modifications, was re-modelled by the last Legislature. The most material parts of the old law, which were omitted in the new, were the sub-district, the endowment, and sectarian features. The former was rejected because of the unnecessary multiplication of offices which it authorized, and the conflict which perpetually arose between the committees and directors; and the latter, because in manifest hostility to the true intent of the common school system. These provisions, which seemed to contemplate a separate school establishment, under sectarian patronage, although controlled by the common school directors, were originally engrafted upon the acts of 1836 and 1838, and were again re-enacted in 1849. They were very properly stricken from the system by the law of last session. Should efforts be made in the future, at similar innovations, come whence they may, it is hoped they may be promptly rejected. The system to be effectual, must be simple and uniform in its operations. Special legislation, inconsistent with the general law, applicable to particular localities or districts, to answer temporary or partial ends, always has, and always will embarrass the administration of the general system, and should, for this reason, be carefully avoided. The integrity of its forms, not less than the means to sustain its operations, should be constantly maintained, and sacredly cherished by the government.

A new feature in the system, adopted by the law of last session, creating the office of County Superintendent, has not, as yet, been fully tested; and there evidently exists some diversity of opinion as to the wisdom of the provision. It is already very obvious, at least, that its beneficial workings must depend mainly upon the character of the agents selected to carry it into operation. Competent and faithful Superintendents may produce the happiest results; whilst



the agency of the ignorant or inefficient will be attended by the reverse consequences. In order to give this new feature of the law a fair trial, it will be necessary, therefore, for the directors, in the respective counties, to select Superintendents with sole reference to their adaptation to the duties of the station.

Of the many obstacles in the way of the complete success of our Common School system, the one most prominent, and most difficult to remove, is the want of competent teachers. In some communities, I regret to say, the system has fallen into comparative inefficiency, because good teachers cannot be found; and in others, the most vexatious consequences have arisen from the employment of the illiterate and incompetent. Nothing could exercise a more prejudicial influence; indeed, between a very bad teacher and none at all, the latter alternative might, in many instances, be preferred. This deficiency is clearly manifest, and hard to obviate. Some of the best minds of the State have been occupied and perplexed with it; and until recently no general and practicable plan for its removal had been devised.

The plan of granting permanent professional certificates, by officers skilled in the art of teaching, and eminent in literary and scientific acquirements, to teachers who satisfactorily pass a thorough examination, in the several branches of study, which the act of May, 1854, requires to be taught in every district, and also in the art of teaching—is already obviously effecting decided improvement in this regard, and it is believed will do much towards placing the profession upon a high and firm basis. Normal schools, it is urged, could in addition, to some extent supply the deficiency, but the expense of such an institution would be heavy.

The source of this difficulty, it is clear, can be traced, in a great measure, to the want of a proper

appreciation in the public mind, of the position and business of a teacher. The profession for this reason, in addition to the absence of fair compensation, has not been attractive. Indeed, it has scarcely been regarded as a profession at all, but rather a preliminary step to some other pursuit. Well directed efforts have recently been made to change the general sentiment on this point, and I rejoice in the belief that these have not been in vain; and that the day is not far distant when the profession of teacher will be equal to the aspirations of the most ambitious of our people; when its distinctions, dignities and pecuniary rewards, will command the time and attention of the most gifted. I can see no reason why this state of feeling should not prevail; why the profession of teacher should not rank in honor and profit with the other learned professions; why the science of developing the human intellect—of giving scope and force to mind—of elevating the moral faculties of our race—of controlling the passions and tempering the desires, should not be esteemed as highly as those professions and callings, whose ornaments have received all their capacity and polish at the hands of the comparatively humble and illy rewarded teacher.

I earnestly recommend the common school system to your guardian care, as the most sacred of all our institutions. The offspring of a constitutional injunction on the Legislature—the extension and perpetuity of its usefulness, is the plain duty of all. Resting at the very foundation of the government, its practical workings should be a true reflection of our republican system, and its blessed opportunities made available to all, regardless of rank, or condition, or persuasion. It should aid the poor, advance the rich, and make the ignorant wise.

I confidently anticipate for it, a day of greater perfection and wider influence. No better object can en-

gage the attention of government, or consume its means, than the education of the people in the most comprehensive sense of the term; embracing the use of letters, the cultivation of the moral faculties, and the diffusion of Christian truth. In this we have the surest guarantee for the perpetuity of our republican government, and for the enjoyment of civil liberty and religious freedom. Such an education may safely be claimed as the most potent means of preventing crime—of increasing individual happiness and national dignity—of promoting Christianity and civilization—of extirpating moral and political evils—of elevating, dignifying and adorning our social condition.

Our various charitable and reformatory institutions—so creditable to the State, and which, in their practical operations, have done so much for the relief of suffering humanity—will claim the continued care and bounty of the Commonwealth.

The State Lunatic Hospital at Harrisburg, under its present efficient control and management, meets the just anticipations of its wise and benevolent advocates. Its humane and benignant agency in ameliorating the condition of the unfortunate class for whose relief it was designed, can be judged by no ordinary standard. The benefits of such an institution rise above all mere pecuniary estimates. Its purposes address themselves to the best and noblest feelings of our nature, and can only be rated at the price of human hope and human reason.

A somewhat dissimilar, though not less meritorious institution has recently been established in Philadelphia, for the mental training of the Idiotic and the Imbecile. The astonishing results it has already achieved in developing and invigorating the weak and clouded intellect, should secure for it public confidence and patronage. It commends itself to the bounty and care of the State.

The institutions for the education of the Deaf and Dumb, and Blind, will also need, as they justly merit, the usual annuity from the State. They are in a flourishing condition, and continue to bestow numberless blessings upon the unfortunate beings committed to their charge.

As a scheme for correcting and reclaiming wayward and offending youth, the House of Refuge stands pre-eminent; and is everywhere gaining public confidence. Its general influence upon this class of erring creatures, is far more effectual and humanizing than that of the ordinary modes of punishment. It takes charge of those whose offences are often the result of circumstances rather than criminal intent; who fall by the influence of bad example, of wicked association, of idle habits or animal necessities; or who sin because of the utter want of moral and mental perception; who do wrong, rather than right because they have not the power to distinguish between them. For such unfortunate beings, the House of Refuge possesses the advantages of restraint and correction—with the moral and intellectual training, as well as of instruction in the usual pursuits of life, without the disgrace and chilling influence of prison confinement. The results, therefore, often are, that its inmates go back to society, cured of all moral defection, and competent to fill the place of correct and useful members of community.

During the past summer, the magnificent structure erected under the supervision of certain benevolent gentlemen of Philadelphia, as a new House of Refuge, was completed and thrown open for public inspection. The capacity, order and arrangements, in every particular, of this admirable building are fully equal to the design of its founders. It is an honor to them and an ornament to the beautiful city in which it is situated; and its good effects in future, under the same systematic and wise discipline which so eminently dis-



tinguished its past management, will not be readily over-rated.

The Western House of Refuge, situate on the banks of the Ohio river, a short distance below Pittsburgh, I am gratified to say, is also completed and ready for inmates. Though less imposing, as to size and capacity, than its stately compeer of the east, it possesses all the order, economy of space, and perfect adaptation to the purposes designed, that characterize the more costly structure at Philadelphia; and it is also believed to be quite adequate, as to size, to present wants, while it is built with express reference to future additions, should they become necessary.

Neither of these buildings have, I presume, been erected without involving their projectors in pecuniary liability, and perhaps loss. The entire State has a deep interest in such truly meritorious institutions; and whatever relief can be given to them by the Legislature, consistently with the condition of the Treasury or our public engagements, should be cheerfully extended.

The interests of agriculture are ardently commended to your care. Extensive and energetic efforts have been recently made to disseminate correct information concerning this great pursuit, and in this way to confer upon the farmer the advantages of a scientific as well as a greatly refined, practical understanding of the noble pursuit in which he is engaged.

The utility of a College devoted to the science of Agriculture, with a model farm attached—wherein the principles of a scientific cultivation of the soil, and manual labor in that pursuit, would be joined to the usual academical studies—has been strongly pressed upon my attention. It is believed that such an institution can be successfully organized, under the auspices of the State and County agricultural societies.

The practice adopted and maintained by the last General Assembly, in reference to omnibus bills and special legislation, is an improvement of such value

as to commend itself as a settled rule; and I confidently trust this salutary precedent may not be disregarded.

Obscurity, confusion and inaccuracy in the construction of our laws, inroads upon private rights, and unguarded corporate privileges, litigation and confusion in the interpretation and administration of our statutes, have been the fruits of a loose and unguarded system of legislation. The evil has been one of the greatest magnitude, and the remedy should be cherished with unyielding tenacity. Special legislation has so little to recommend or sustain it in principle, it is surprising it has been so long endured. Although much was done by the two preceding legislatures by general laws, to obviate any supposed necessity for special acts, there still is much to be performed in avoiding a return to this unsafe practice. It is believed that general laws can be so framed as to avoid in most cases the necessity for special acts, and the proposition is most earnestly commended to your favorable consideration.

The omnibus system—a pernicious mode of legislation, by which the most opposite measures, good and bad, are thrown together in one bill and under one title—was, I rejoice to say, entirely broken down and discarded by the last General Assembly. The volume of laws for 1854 contains no acts of this character. Each law embraces but a single subject, and that indicated by its proper title.

The 55th section of the act providing for the expenses of Government for 1853, authorized and required the Governor to sell the State arsenal at Philadelphia, and apply the proceeds of such sale towards the purchase of another site and the erection of a new building; and restricting the expenditure to the sum received for the old property. The building and lot were readily sold for \$30,000. The selection of a new

location, and the erection of another building, presented a far more difficult task. I readily discovered that the sum thus appropriated was entirely inadequate to accomplish the end in view. The price of a similar location would leave but a meagre sum with which to erect the building. Under all the circumstances, I have not felt authorized to attempt to carry out the law, and would respectfully suggest the propriety of increasing the appropriation for this purpose.

The report of the present able and energetic Adjutant General will inform you of the condition of the military affairs of the State. This department of public affairs, I regret to say, has been in a confused and declining condition for several years. .

The Public Librarian has called my attention to the fact, that the law reports of twenty-two other States have been regularly received by this, and that no provision has ever been made, on our part, to reciprocate this courtesy and generosity. I respectfully suggest the propriety of authorizing some officers of the Government to procure the necessary copies of the Pennsylvania reports, to supply those States who have so generously added to our library.

The registration act, I respectfully suggest, has essentially failed to accomplish the end designed, and should be repealed or amended. A record so incomplete and imperfect can do no good; but may really do harm. It has already cost the State about \$25,000, to which there must be annual additions. The object is a desirable one, but I am confident it can never be attained by the mode contemplated in this law. It is a subject of constant complaint by registers and physicians, and only such registration is made as is compulsory, in order to legalize letters of administration.

By the 67th section of the appropriation law of last

session the Secretary of the Commonwealth was authorized to continue the publication of the Archives to the year 1790. Under this authority the selection of documents from 1783 to 1790 has been made, and the tenth volume, containing this matter, will be ready for distribution before the close of the session. Two additional volumes will complete the work as originally designed.

The councils of Philadelphia, by an ordinance passed in October, 1852, dedicated the necessary ground in Independence Square, to the erection of a monument commemorative of the Declaration of Independence; and tendered the possession of the premises to the representatives of nine or more of the original States.

Since that time, the States of New York, New Jersey, New Hampshire, Rhode Island, Connecticut, Georgia and Pennsylvania, have signified their willingness to accept the proposition on the terms indicated by the councils, and to participate in this patriotic work. Delaware, Maryland, Virginia and the two Carolinas, have taken no action on the subject.

I cannot refrain from again expressing my unabated solicitude for the success of this movement. If American history furnishes a single event worthy of commemoration by a monument, the Declaration of Independence is that event. In moral grandeur it is without a parallel, and stands above all others for the mighty influence which it has exerted upon the political, religious and social condition of mankind. It has been justly said, it ushered in a new member into the family of nations and electrified all Europe. It opened new revelations of liberty, and changed the relations of people and government, by teaching the one how to resist and conquer oppression, and the other the absolute necessity to its own continuance, of recognizing and respecting the rights of humanity. From that time forth, a new, vital and quickening



spirit has pervaded the world. Thrones have been shaken, empires have been overturned, society has been convulsed, blood and carnage have desolated the earth; but still the intelligence and souls of the people of all Christendom have been so vivified, elevated and expanded, to a comprehension of their rights, as will never be obliterated or forgotten; but will advance, enlarge and increase, until that moral and social preparation for the appreciation and enjoyment of liberty shall be effected, which, in the divine economy is so indispensable to the permanence of free institutions.

As the third generation of that posterity, for whom the men of the revolution chiefly labored and suffered, and died, it is peculiarly fitting that we should erect such representations of their great and controlling acts as shall speak to our own hearts, to our children's hearts, and shall testify to God and the world, that we appreciate and reverence, and would cultivate and disseminate the mighty truths and principles which brought our nation into existence, which constitute its very life, and of which it seems designated by Providence to be—the special defender and protector.

I believe we should have a monument to perpetuate the remembrance of the great event, from which such manifold and inestimable blessings have sprung; some imperishable memorial of our gratitude to the authors of the Declaration of Independence; to the heroes who participated in the mighty struggle; an enduring witness of the great things done amongst us and for us; an embodiment of the origin and principles of our government; some distinguishing mark of the place of the nation's birth; a consecrated temple of liberty, about which unborn generations of Americans may meet and renew their assurances of fidelity to the principles of the Declaration and to their natural offspring—the Constitution and the Union. I am for this work most earnestly; and I trust that Pennsylvania

will not permit it to fail; but that it may be pressed upon the attention of the original thirteen States, until each and all shall evince a willingness and determination to participate in the erection of this glorious structure. To this end I respectfully suggest to the General Assembly, the propriety of again calling the attention of the original States to the subject, by resolution or otherwise.

In closing my last communication to the General Assembly, and terminating my official relations with the people of my native Commonwealth, I may be indulged in a brief and general reference to her present proud position as a member of the great family of States, and to the patriotism, integrity, and general prosperity of her citizens. The advantageous geographical position of Pennsylvania, with a fine harbor open to the Atlantic, and another connecting her centrally with the magnificent chain of western lake navigation—her long branching rivers, spreading their arms and arteries through every portion of her territory—all added to her fertile soil and exhaustless deposits of valuable minerals—present a combination of the natural elements of greatness scarcely equalled in our own or any other quarter of the globe. These have made her an attractive field for the science, industry and enterprise of man; and all her natural advantages have been cherished and cultivated, until she has reached a condition of varied wealth and positive prosperity. Her system of internal improvements will safely compare with those of any sister State, whether in regard to completeness in construction, or the extent of country which they traverse. Nor have the higher hopes of humanity been disregarded by our statesmen, and the people at large; as the liberal provisions for common schools, Academies and Colleges, and our numerous crowded Churches attest: while, at the same time, the various Asylums for the insane,

and for the unfortunate of all classes and conditions, and Houses of Refuge, for the reformation of the wayward and erring, silently, yet surely, bear witness that the cause of benevolence has always found effective advocates within her borders.

In physical improvement and population her progress has been steady and rapid. In the days of Governor Snyder the erection of a bridge over the Susquehanna river, and the construction of a turnpike road was the subject of executive exultation, and a matter of congratulation among the people. Now, her whole surface is checkered over with railroad, canals and other highways. Then, the whole revenue of the State amounted to but \$450,000. Now they exceed five millions. Of the four large States, her percentage of increase in population, since 1840, is the greatest; and she has besides excelled the best of her sisters in the production of wheat, iron and coal. Her population numbers not less than two and a half millions; nearly as large as all the States at the time of the Revolution. The present value of her real and personal estates exceeds \$850,000,000. Her annual production of coal is worth in the market over twenty millions. Her great interests of agriculture, manufacture and commerce are rapidly extending.

She has, in addition, a history, of which we may well be proud. Within her limits is found the birth-place of Independence—that sacred spot where was first declared those great truths which lie at the foundation of American nationality. In the maintenance of those truths, she bore a glorious part. Her contribution of men to the field, the money to the treasury—of talent and wisdom to the Congress of the Colonies, were not surpassed by those of any other State. It was her sons who crossed the Delaware in the dead of winter, under the lead of Washington, and for a time turned the tide of war. Again, in the struggle of 1812, for

the rights of American citizenship, and in that of 1846, for American honor and progress, she contributed with a profuse generosity. The contest amongst her sons was not as to who should have the right to stay at home, but who should have the privilege of going into the field. Bearing this honorable part in matters of foreign war—she has had a no less enviable participation in allaying domestic strifes. Whenever the exigency seemed to require it, she has stood firmly by the Constitution and the Union, and ever contended for the rights of all sections of the country, and all classes and denominations of the people. Such is our State. To live and die within her limits, and to have borne even a very humble part in her civil service and in her history, I shall ever esteem as a proud privilege—one that, as it draws nearer to its close, swells my heart with gratitude to her people, at the recollections of the numerous proofs of confidence I have experienced at their hands.

The fullness of my exultation in the character and happy condition of our beloved Commonwealth, and of the gratitude I have expressed, leaves no room in my bosom for even a lingering regret at a decision of my fellow-citizens, which is soon to relieve me from the cares and labors of a public life. Its transient excitements have already been forgotten, and its alienations, if any, forgiven. I shall resume my place in the ranks of the people, with a calm consciousness of having always sought to advance their best interests to the extent of my ability; and of never having yielded my convictions of right, either in subservience to any selfish purpose, or any narrow and unworthy prejudice.

Having adverted to various subjects of congratulation, in regard to the public affairs of my own State, I may be indulged in a brief reference, also, to the happy aspect of our common country, and the elevation



it has reached among the nations of the earth, in the light of liberty, and through the workings of its benign institutions. Who amongst us, and throughout this broad land, does not experience at this moment, and at every moment, in his own condition, and the condition of those who surround him, the influence and benefit of our happy Union, and the well considered compact by which it is sustained. A basis of calculation, exhibited by past experience, will give our country a population of thirty millions in less than ten years from the present time—of eighty millions in thirty years to come and of one hundred millions at the close of the century! But mere numbers are of no moment, compared with the moral elements, in a nation's greatness. The vital strength and stability of the United States, as a people, consists in the substantial interest which each individual has in the permanency of these glorious institutions, which were baptised in the blood of the revolutionary struggle, and handed down to us as the sacred legacy of our fathers. Peril, or destroy these, and we peril or destroy the share of sovereignty and equality which they were designed to secure, alike to the richest and poorest, to the highest and humblest in the land. The experience of more than three-fourths of a century proves, I am persuaded, that the American people, in the main truly appreciate the beneficent structure and beautiful operation of our republican system. We have been assailed by an insidious and open hostility from abroad and have, at times before the present, been encountered by both the concealed and palpable spirit of faction at home; yet the Constitution still stands as widely and firmly riveted in the affections of the honest masses of American freemen, as at any former period of our history.

The more fruitful sources of our national prosperity, undoubtedly consist in the freedom, industry and

intelligence of our people; and in the rich natural resources of our country, united to an advantageous commercial intercourse with a warring world. But there is one element which we should cherish as more potent than all these: it is the protection and encouragement afforded by the union of the States, under an adequate and stable government. To this and the virtue of our citizens, under the smiles of Heaven, we are more indebted as a people, than to any other circumstance or relation. No one who has studied our history, and marked the spirit in which our Union was formed, can avoid the conviction that our government, so far as concerns the stability of this confederacy, must be one of opinion rather than force. Born in compromise and conciliation, it must be cherished in the same spirit; it must present itself to every member of this republic in the welcome guise of friendship and protection—not in overbearing pride, or as wielding the strong arm of power.

We have before us the plain, written compact of our fathers, to which they reflectingly consented and subscribed, and so bound us who have succeeded them. Its blessings and its benefits have been felt throughout long years of unexampled prosperity. If we would change any of its provisions, let us, with at least common honesty and manliness, pursue the mode of amendment which is pointed out, with admirable precision, in the noble instrument itself. But until this is done, those amongst us, who, from whatever motive, or under whatever pretext, either openly repudiate any of its plain provisions, or, covertly retreating under the cloak of a secret organization, seek to violate its spirit, or avoid compliance with its clear behests, dishonor the faith of their fathers, and deny their own palpable and solemn obligations. Entertaining these views, how can any American patriot regard, with the least degree of complacency, the con-

tinued and embittered excitement of one section of the country against the domestic institutions of another; or the more recent organization of secret societies throughout the Union, based upon doctrines of exclusion and proscription, utterly at war with our National and State constitutions, and obnoxious to the liberal spirit of American republicanism? What admirer of the venerated father of his country, but must now feel, with resistless force, his solemn warnings against secret societies for political ends, as placing a powerful engine in the hands of the selfish and designing, and enabling them not only to acquire power unworthily, but also to sap and destroy the most sacred principles of our government?

In these reflections upon certain political organizations, if I rightly comprehend my own motives, I am actuated by no mere partisan hostility or resentment. Were I to say less at the present moment, I should stifle my clearest convictions of right, and shrink from a duty I owe to the people of Pennsylvania, who have so generously sustained me in various public relations in the past. Nay, more: I should, by silence in this regard, fail properly to reflect that constancy and unswerving faith which our noble Commonwealth has ever evinced towards the principles of our national compact, in reference to the freedom of conscience and universal religious toleration; and also to the wise doctrines of popular and State sovereignty, and the inherent right of self-government. .

During the brief period which remains of my official term, I shall readily and cheerfully co-operate with the General Assembly in all proper measures, to advance the public weal; and I earnestly invoke upon our labors, and the labors of those who may follow us in our public vocation, the kindly care and keeping of that Great and Beneficent Being who holds the destinies of nations as well as of individuals, as it were, in

the hollow of his hand, and without whose continued smile there can be neither national or individual prosperity.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 5, 1855.

To the Assembly Vetoing "A Further Supplement to the Several Acts of Assembly Relating to the Tax upon Collateral Inheritances."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 343, entitled "A further supplement to the several acts of Assembly relating to the tax upon collateral inheritances," without the Executive sanction.

To understand the object of the proposed law, it is necessary to refer to the existing laws in relation to tax upon collateral inheritances.

The fourteenth section of the act of 10th April, 1849, provides that on all estates of decedents, who have been dead more than one year, and whose estates are subject to the payment of a collateral inheritance tax, if said tax has not yet been paid, interest from the death of said decedent shall be charged, at the rate of twelve per cent. per annum on said tax, unless the same shall be paid within nine months from the passage of this act; and on all estates subject to the payment of the collateral inheritance tax, of persons who shall die after this date, if said tax is paid within three months a discount of five per cent. shall be made and allowed; but if the tax shall not be paid within one year from the death of the decedent, interest shall then be charged at the rate of twelve per cent. per annum on said tax, computing from the time of said decedent's death; and in all cases where the executors and administrators do not pay such collat-



eral inheritance tax in advance, they shall be required to give security for the same.

By the same act, the collateral inheritance act is made a part of the sinking fund.

The first section of the bill under consideration proposes to repeal so much of the foregoing section, as requires the interest of twelve per cent. per annum to be computed from the death of the decedent, and to impose it only from the time of "assessment, valuation and notice."

The provisions of the law relating to the imposition and collection of collateral inheritance tax, are abundantly clear and intelligible, and furnish ample notice to all persons interested in this class of estates. Hence, if there has been great delay in any case in granting letters testamentary or of administration, or in appointing an appraiser, as is required by law, the fault is not the less that of the parties interested in the property than of the register. There can be no great hardship in any case, as the estate generally passes at once into the hands of the collateral heirs, and they are immediately let into the perception of the profits; whilst the interest of twelve per cent. per annum in most instances would be but a small fraction as compared with the advantages and annual profits derived by the heirs from the estate. Besides this, collateral heirs are generally those who have had the smallest agency, or contributed in the least degree in the accumulation of the property thus thrown upon them by the law, and are, therefore, the least who should complain at the Commonwealth for imposing a charge in the form of a tax, for the protection and security which has been thrown around the property they thus enjoy, in default of lineal descendants; or as a penalty in the form of increased interest for their neglect, either intentional or otherwise, to demand an administration or appraisal according to law. It is quite apparent,

were this bill to become a law, that the failure of the register to grant letters of administration, or to appoint an appraiser, would not be a cause of serious regret or annoyance to collateral heirs, but so long as the officer of law delayed or neglected to interfere, it is not probable that the parties pecuniarily interested would murmur, especially when delay would save them money.

As I understand this section of the bill it would virtually offer a premium for delay, and thus wrong the Commonwealth out of her dues, which after all, are perhaps as just and equitable, and as lightly felt by those who have them to pay as any other form of taxation.

The second section merely applies the same rule to personal estates, dating the interest from the settlement of an account and the payment of legatees and distributes, and is, of course, liable to the objections already urged.

The remaining portions of the bill partake of the same character, and need not be specially reviewed, especially as the reasons already given are sufficient, in my judgment, to justify me in withholding my assent from the bill.

WM. BIGLER.

Executive Chamber,  
January 6, 1855.

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To the Assembly Vetoing "A Supplement to an Act to Charter the Honesdale Bank."

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH BODY it originated, without the Executive sanction, bill No. 212, entitled "A supplement to an act to charter the Honesdale Bank."

The object of this bill is to double the capital stock of the Honesdale Bank.

My general views on the question of increasing banking capital are so well understood by the Legislature and the people, that their repetition at this time is quite unnecessary.

Whatever diversity of opinion there may exist as to the necessity for new banks in localities where none now exist, and where the growth of the country and the general business may seem to demand such agencies, there will be but little, I presume, as to the impolicy of doubling the capital of the old institutions. I have never attached much importance to the force of local claims for institutions to furnish a circulating medium that is to be common to the entire country, and should be alike valuable at all points; but whatever there might be in such a claim, it will apply with much greater force to localities, now entirely destitute of banking facilities. Certainly on no principle of local claim should the capital be doubled where it is now found, rather than granted to a like extent, in sections of the State having no such institutions. Were this increase granted on the idea of local claim, and the data thus laid down, carried out, the increase would vastly exceed what the most ultra would claim, as the amount of capital necessary for a sound business.

WM. BIGLER.

Executive Chamber,  
January 5, 1855.

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To the Assembly Vetoing "An Act Relating to Certain Penalties" Incurred by Corporations.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT originated, bill No. 878, entitled "An Act relating to certain penalties," with my objections.

The act of 1850 imposes upon every corporation that

passes a foreign bank note of less denomination than five dollars, a penalty of five hundred dollars, and upon every individual a penalty of twenty-five dollars, to be sued for and recovered as other debts are recovered; one-half to the plaintiff, and the other to the use of the county where the offence is committed.

The bill now under consideration does not propose to repeal the law of 1850, nor is there anything in it from which it can be inferred that the General Assembly believed its influence to be evil. In my consideration of the subject, I start, therefore, with the assumption that the law forbidding the circulation of small notes from other States is a necessary and wholesome regulation, and that the penalty for its violation is required to give it force and effect. When the Legislature were dealing with the subject, if they had not supposed the act which they found in force to be just and necessary, they would undoubtedly have repealed it at once and forever. But the bill before me not only contains no clause of repeal, but expressly provides against any inference which might impair its future force. Here, then, is a law, based on principles undeniably sound, containing provisions necessary to protect an interest so vitally important as the currency, called for at the time of its adoption by public opinion, consistent with the true rules of political economy, passed by one Legislature, and, after four years of experience, solemnly sanctioned by another. Shall such a law be executed? To ask the question is to answer it. The affirmative must be the universal response.

This bill declares that "where several suits have been brought against railroad or canal companies to recover penalties incurred by violating the forty-eighth section of the act of 1850, the suits shall be consolidated into one, and judgment be given by the court for only one penalty, together with the costs of all



the actions to the time of the consolidation, and all other penalties heretofore incurred, whether sued for or not, shall be remitted, released and discharged."

This means, simply, to legalize all the offences which a railroad or canal company may have committed, except one.

But why should one offence be reserved for punishment whilst the rest are remitted? If the law has been violated an hundred times, and each time under the same circumstances, the excuse which should free the party from ninety-nine penalties ought to be equally valid for the hundredth. If the law be right in one case, it is right in all, and if it be wrong in any, it is sheer cruelty to let a person suffer under it at all.

But this bill not only creates this difference between similar offences committed by the same corporation, but a still more unjust distinction is made between corporations of a particular class and all other corporations, officers, brokers and citizens. None but railroad and canal companies are to be favored by the impunity which this bill provides. All other persons and bodies, public and private, natural and artificial, must take the consequences which their misconduct has drawn upon them. I am sensible of the importance and usefulness of railroad and canal companies, and I certainly have no inclination to prejudice them in the accomplishment of the legitimate ends for which they were created. But when we are dealing with them for an infraction of law, justice, looking at the question of guilt or innocence, is blind to all difference between them and others. She is no respecter of persons or corporations.

The penalties which it is proposed to remit were incurred (if incurred at all), by the infraction of a plain law, of which the offenders had full notice; and I cannot resist the conclusion that it would be degrading and humiliating to the State to denounce a

punishment for an offence, and then refuse to execute it, while insisting that it is just. It does not consist with her dignity and honor to compromise with transgressors against her statutes. She has threatened, and shall she not execute? She has promised, and shall she not perform? If the statute in question were cruel, unjust or useless, there could be no objections to its total repeal, and a full remission of all penalties incurred under it. But the General Assembly themselves, who passed this bill, held a contrary opinion, and on this point I concur with them.

And again, the demoralizing influence of the precedent this bill would set, should not be overlooked. If this kind of legislation be once begun, where is it to end? The railroad and canal companies may violate the act of 1850 again and again, and with more confidence than ever expect to be again absolved by the Legislature. Other corporations will claim equal favor, with quite as much justice. Individuals will have good cause to complain if they should be punished, when corporations are not. If this bill be right, I know not on what ground we can refuse to pass similar acts, whenever applied for. How shall we extend so great indulgence and lenity to corporations, and refuse like relief to the destitute individual who may be arraigned for passing the only note he had? It would be better to repeal the law, than thus to trifle with and degrade it.

I object to this bill for another reason. Some of the penalties it proposes to remit are already sued for, and the suits are now pending. I am bound to infer this from the words of the bill. All legislative interference with the regular administration of justice, it must be conceded is wrong, and is calculated to exercise a most pernicious influence upon the morals of society. It has excited complaint wherever practiced,

and has generally produced great evil and no good. The legislative and judicial departments of the government must be kept separated, and each allowed to perform its functions without interference from the other. The one, indeed, is not fitted to do the duties assigned to the other. By this bill, the Legislature would step in between a judicial tribunal and its suitors, and, in substance, say to the Court, You may suspend your deliberations on this case—cease to examine the law and stop the investigation of the facts, for we have determined to dictate the judgment without hearing the parties, without knowing the facts, and without caring for the law. And this we do, not because we would change the law on which the suit is founded, for we think it wise and salutary, and it shall not be repealed; but we interfere for this case alone, merely as a matter of special favor to the present defendants. I submit that such proceeding would be wholly improper and unjust.

The cases contemplated in the bill may be surrounded by mitigating circumstances, and therefore seem to impose hardship; but the open degradation of the law and the pernicious tendencies of the precedent proposed to be established, should be held above any private consideration, and certainly above the most liberal immunity due to transgressors. It is to be hoped that the parties may not suffer more than the ends of justice and the vindication of the law may manifestly demand. Certainly, I take no pleasure in their misfortunes; but I cannot, consistently with a sense of the duty to the State, approve the bill for their relief.

It is to be hoped that the inconvenience in the use of the currency which is pleaded as an excuse in these cases, might be speedily removed. An united effort on the part of the railroad companies, banks and individuals, to introduce small gold and silver into chan-

nels of circulation, it is confidently believed would accomplish this desirable end. The fact that the adjoining State of Ohio, at the late session of the Legislature, has interdicted the circulation of notes not issued by her institutions, of a less denomination than ten dollars, would seem to suggest the necessity and utility of a common effort to remove the difficulties in the way of the administration of our law of 1850. Such an effort, I believe, would succeed in nearly all parts of the State; and succeeding, would exercise a most wholesome influence upon the character of the currency, the interests of commerce and trade, and especially upon the rights and rewards of labor.

WM. BIGLER.

Executive Chamber,  
January 6, 1855.

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To the Assembly Vetoing "An Act for the Better Regulation of the Vending of Spirituous and Malt Liquors."

Gentlemen:—

I RETURN TO THE SENATE, IN WHICH IT originated, bill No. 612, entitled "An Act for the better regulation of the vending of spirituous and malt liquors," without my assent.

The legislative history of this bill is suggestive of some useful reflections. It was, I believe, originally a private or local bill, applicable to a single county, and possibly acceptable to the community for which it was intended. But on the last night of the session the bill was called up, its local application stricken out, and was passed as a general law, possibly without a petition or recommendation from any other part of the Commonwealth. Aside from the perplexity and



confusion which such loose and precipitate legislation entails upon the administration of the laws, the immediate effect is to fill the statute books with insensible provisions, not demanded by the people or the exigencies of the times. Hasty legislation upon an abstract question of morality, designed to enforce the observance of any of the moral duties, is, above all, the most dangerous, and calculated to defeat the very end aimed at by the law. The right of the Legislature to pass sumptuary laws at all, except in cases of extreme necessity, (and I freely admit the suppression of the evils of intemperance to be one), is well doubted, and especially upon such subjects which so intimately affect the sentiments, the feelings and passions of the people, the utmost caution should be observed. Laws of this character should be plain, perspicuous and intelligible, and adopted only after the maturest deliberation.

The framer of this bill was, doubtless, actuated by a sincere desire to suppress the evils of intemperance. In that desire I can most earnestly concur. That evil is too formidable and destructive in its character to be overlooked by any one who has the purity of our morals, or the safety of our social institutions at heart. Intemperance has done too much in the world—prostrated too many of the noblest and best—desolated too many hearts, to be overlooked by the framers of our laws, or disregarded by those in authority. I admit, to the fullest extent, the magnitude and enormity of the evil, and the imperative obligation resting upon all right thinking men to arrest its progress, and, if possible, to extirpate it entirely. By no act of my life have I failed to discourage the vice, or to adopt what I deemed to be the most practicable means of ridding society of this deadly bane.

In considering the question, it should not be overlooked that there are many who deny entirely the

power of legislation to affect an evil like this, and others for a different reason, oppose all mere license systems, assuming that entire prohibition is the only effectual remedy. Neither should it be forgotten that the laws in existence at the passage of this bill, or passed, contemporaneous with it, established a system of licenses, but inflicted the severest penalties for their violation. And were the bill under consideration perfectly congruous and intelligible, the folly of adding to penalties already as stringent as words can make them, will become the more apparent by reading it in the light of the laws already in existence, and especially the act of 8th May, 1854, "to protect certain domestic and private rights, and prevent abuses in the sale and use of intoxicating drinks."

By the provisions of the act of 10th April, 1849, "to create a sinking fund," &c., &c., county treasurers are authorized to grant licenses to beer houses by that name. But the first section of the bill under review, proposes to change the form for granting licenses, and confine the sale of malt liquor to licenses granted by the quarter sessions, to be granted "in the same way, and subject to the same regulations as regards the licensing and keeping of beer houses, and the payment of the license fees to the Commonwealth, as are now applied by law to the keepers of inns and taverns."

Part of the rules and regulations now applied to inns and taverns are "that they shall first satisfy the court by a certificate, in writing, signed by at least twelve respectable citizens, that the applicant is a person of good repute, for honesty and temperance, and is well provided with house room and conveniences for the accommodation of strangers and travelers." It is "a rule and regulation" that each inn keeper shall keep good accommodations for "man and horse." It follows, then, from this section, that applicants for beer licenses must first satisfy the court, that they

are well provided with house room and conveniences, for the accommodation of strangers; and so keep their houses as to afford good entertainment for man and horse. Beer houses, in fact, under this section, become "inns and taverns." It may have been the intention of the Legislature, merely to transfer the power of granting licenses from the county treasurers to the courts of quarter sessions. But, if so, it was sheer nonsense to couple it with the conditions and requirements contained in the section. If beer licenses were to be granted at all, it surely was not intended that the applicant should go through the formalities prescribed for keepers of inns and taverns. If it was merely intended to transfer the power, it was easy to say so; and if the intention was to defeat or refuse all applications for beer licenses, the object could have been attained with fewer words and far less circumlocution. But certainly, the literal reading of the section will bear no other construction than the one I have given it.

And again. It is one of the requirements of the law referred to, that applicants shall give public notice, by advertisement, in the newspaper of the proper county; but the third section of the bill expressly provides that applicants shall not be required to give such notice; and that the courts may grant such licenses at any term, at which petitions may be presented. Why was this exemption inserted if it was intended to impose additional restraints upon licensing beer houses? And why the power given to the courts to grant licenses at any term? To be consistent with the professed intention of the bill, these restraints should have been preserved, and thus some degree of uniformity attained in our license system.

It is, however, to the second section of the bill that my objections are mainly directed. It reads as follows:

"That from and after the passage of this act, no license shall be granted by the treasurer of any county, to any person or persons, to sell spirituous liquors by the quart or otherwise, unless the person or persons applying for such license, shall be retailers of foreign or domestic goods, wares and merchandize, other than spirituous liquors, entitled to be classed equal with the fourteenth class, and have been thus regularly classed by the appraiser of mercantile taxes."

If the object of the Legislature was to impose additional restraints upon the consumption of spirituous liquors, I cannot perceive how such purpose can be attained by this section. Hitherto, county treasurers have had no power to grant licenses to retail spirituous liquors by less measure than a quart, except in the city and county of Philadelphia, under the act of 16th April, 1849; and there applicants are required to give security for the good order of their houses. In view of these provisions of the law, or rather in the absence of law, it is difficult to say whether a special license, to retail spirituous liquors by the quart or otherwise, is meant, or merely a modification of the existing license system. But throwing speculation or conjecture aside, what would be the practical operation of this section? Clearly, that county treasurers would be authorized to grant licenses to retail spirituous liquors, by the "quart or otherwise," to any one who would come within the easy terms and conditions of the law—that is, to be "a retailer of foreign or domestic goods, wares and merchandize, and classed in the fourteenth class." If this construction be correct, and to my mind it can be no other, every petty shop keeper in the State, who retails either foreign or domestic goods, wares and merchandize, and ranked in the fourteenth class, would be entitled to a license to retail spirituous liquors by the quart or less quantity—because the term "otherwise," certainly includes a



less as well as greater quantity. If it be urged that there is no express authority in the section to the county treasurers to grant licenses, that it can only arise by implication, then the section is utterly insensible, and of course useless.

But the effect of this provision cannot be fully understood, without being read in connection with the third section, which is as follows:

"That any person or persons vending spirituous or malt liquors without a license first had and obtained for that purpose, according to the provisions hereinbefore provided, and any person or persons violating the provisions of this act, shall be subject to the same penalties that are now by law provided against the keepers of unlicensed tippling houses: Provided, That this act shall not be so construed as to apply to the brewers of malt liquors, or the manufacturers or rectifiers of spirituous liquors for wholesale purposes: And provided, That the applicants for license under this act shall not be required to give notice thereof, by advertising in the newspapers of the proper county; and said courts shall have power to grant said licenses at any term at which petitions may be presented: And provided also, That nothing in this act contained, shall change the classification of venders of spirituous and malt liquors in the city and county of Philadelphia, or reduce the amount of the license fees thereof."

It is thus seen that the section imposes a severe penalty upon "any person or persons vending spirituous or malt liquors, without a license first had and obtained, according to the provisions hereinbefore provided."

I need not inquire how far the provisions of this section could constitutionally affect the licenses already granted under existing laws to the keepers of inns and taverns. The objections to the bill are numerous enough without such inquiry.

Upon the expiration of a license to the keeper of an inn or tavern, such license could not be renewed without he added to his avocation that of retailer of foreign or domestic goods, wares and merchandize. He must, in other words, become a merchant of the fourteenth class, in addition to his occupation of inn or tavern keeper, or be liable to the penalty imposed upon keepers of unlicensed tippling houses. The inevitable effect, then, of this bill, were it to become a law, would be to permit every shop keeper of the fourteenth class in the State, to become a retailer of spirituous liquors "by the quart or less quantity," and to compel every inn or tavern keeper who applied for a renewal of his license, to become a merchant of the same class, before it would be granted.

If I am right, then, in my views upon the subject, the cause of morality and temperance would be seriously affected by the provisions of the bill; and in no view can it be regarded as an improvement of our license system. The penalties proposed are abundantly supplied by laws already in force; and all that is required is to put them in practical operation to reach the evils intended to be arrested by this bill.

WM. BIGLER.

Executive Chamber,  
Harrisburg, January 6, 1855.

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To the Assembly Vetoing "An Act to Incorporate the Exchange, Deposit and Discount Institution of Philadelphia."

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which body it originated, bill No. 449, entitled "An Act to incorporate the Exchange, Deposit and Discount Institution of Philadelphia," without my assent.

The objections already urged against bills of a somewhat similar character, passed during the late session of the Legislature, apply with equal force to this. There is nearly the same absence of individual liability on the part of the stockholders, because the mere liability to the amount of the stock subscribed, is but a slender protection to those who may become creditors of the institution. To my mind there is no juster principle than that of individual responsibility, and the only one, perhaps, that affords an adequate check upon the tendency of corporate bodies to transcend their powers and to usurp privileges not granted by law. If it be said to this, that the imposition of this principle reduces corporations to the level of voluntary associations, or mere individual enterprise, by taking away the most important, if not the only advantage of corporate existence, the answer is, that the result is as it should be: that whatever can just as well be done by voluntary association, should not be confined to corporate bodies, operating through exclusive and special privileges. The convenience of a corporate seal, under which numerous parties could unite their means, without special or exclusive privileges, although mere banks of deposit, cannot have the same influence upon the amount and quality of the currency as banks of issue, and for that reason are far less objectionable. This is no reason for creating them on terms not amply protective of the public safety, or giving to the interested parties advantages, for the purpose of obtaining individual gain, not enjoyed by the private citizen.

The bill under consideration provides for a capital stock of five hundred thousand dollars, with the privilege of increasing the same to one million. It allows the corporators to commence business when fifty thousand dollars shall have been paid in, and makes the stockholders individually liable for the stock sub-

scribed. This is planting the seed and allowing it to grow.

This large capital stock, then, may have for its actual cash basis, the comparatively meagre sum of fifty thousand dollars; and, although the bill provides for a safety or contingent fund of one hundred and fifty thousand dollars, it will afford but little security in the absence of the check afforded by individual responsibility. Stockholders who know themselves responsible for all the debts, will watch with corresponding care and jealousy, the conduct of their officers, and in this the public have an assurance of safety.

My objections to an increase of banking capital are so well known, that any further argument is deemed unnecessary.

Although this bill may, in some respects, be free from the objections ordinarily urged against institutions of the character sought to be incorporated, still I cannot see anything in the proposition, or the details of the bill, which would justify me in departing from the policy which I have early in my administration adopted and endeavored to maintain.

WM. BIGLER.

Executive Department.

January 4, 1855.



To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 11, 1855.

Senators:

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the requirement of the fifth section of the act of Assembly, of fourteenth April, A. D., 1845, establishing an Asylum for the insane poor of the Commonwealth,

George Dock, M. D., of Dauphin county,

George W. Porter, M. D., do.

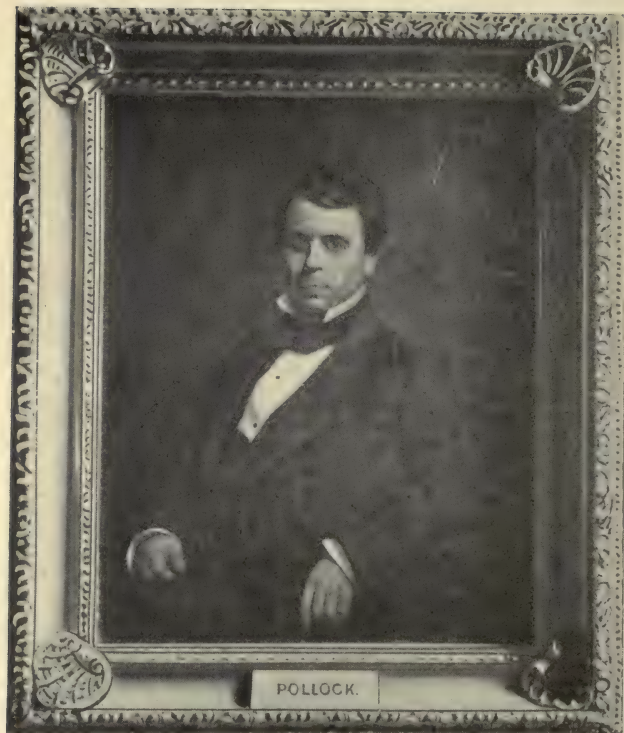
Hamilton Alricks, do.

Samuel Jones, M. D., of Philadelphia.

To be trustees of the Pennsylvania State Lunatic Hospital, the three first named to serve for three years, and the one last named for the unexpired term of Joseph Henderson, resigned.

WM. BIGLER.





*J. A. Pollock*

JAMES POLLOCK,  
Governor of the Common-  
wealth.  
1855-1858.





## Chapter IV.

### JAMES POLLOCK.

Governor of the Commonwealth.

1855-1858.

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UNLIKE HIS IMMEDIATE PREDECESSORS, Governor Pollock enjoyed the best of educational advantages. Born in Milton in 1810, of Irish ancestry, he received an ample primary academic and collegiate education, graduating in arts from Princeton in 1831, and receiving from the same institution the degree of LL.D. in 1855. He then prepared himself for the bar and was admitted to practice in the Courts of Northumberland County in 1833 and was District Attorney for the county from 1835 to 1838.

From 1844 to 1850 he represented the thirteenth congressional district in Congress, although he was a Whig and the District was strongly Democratic. In 1850 he was appointed President Judge of the eighth judicial district.

In 1854 he was elected Governor of Pennsylvania, declining a nomination for a second term. During his administration the public debt was reduced by nearly ten million dollars, mostly through the sale of the public works, those between Philadelphia and Pittsburgh being purchased by the Pennsylvania Railway

for seven and a half million dollars. The panic of 1857, felt so severely throughout the Union, was especially threatening in its aspect in Pennsylvania, forcing the suspension of specie payment by the banks. To avert the evils involved in the situation the Governor convoked a special session of the Legislature and recommended the legalization of the suspension for a definite period, and the continuation of the charters of banks forfeited by the suspension. This was done, the situation was at once relieved, and the credit of the community saved.

Upon the expiration of his term of office in 1858, he resumed the practice of law in his home. In 1861, however, he was appointed Director of the United States Mint at Philadelphia, an office which he continued to occupy until 1866. He was reappointed in 1869 and continued in place during the ensuing ten years. To his suggestion is due the presence upon our coinage of the words "In God we trust." From 1880 to 1884, he was Naval Officer of Philadelphia, after which he resigned and resumed the practice of law. He died at Lock Haven on the 20th of April, 1890, having been Governor from January 16, 1855, to January 19, 1858.

## Declaration of Position on Prohibition.

Milton May 30th, 1854.

Gentlemen:

**F**OUR COMMUNICATION IN REFERENCE TO A Prohibitory law has been received, and in reply I say the constitutionality of a prohibitory law similar, in its essential features to the one referred to in your interrogatories having received a judicial determination, by the highest courts of several of our sister States and the principal having been recognized by the Supreme Courts of the United States, I am relieved from the responsibility of a first decision. The courts having affirmed the constitutionality of a prohibitory law, and being of the highest authority, I believe, upon principles and authority, such a law to be constitutional; and its constitutionality in my opinion would not be affected by a submission of its repeal to a vote of the people.

Every measure of moral and political reform, sanctioned by the representatives of the people, within the limits of the Constitution, would receive my official sanction. The expediency and propriety of such laws are for the people through their representatives, and their will, constitutionally declared, should be respected by the Executive. If the people demand, and their Representatives enact such a law, their will should not be resisted by the exercise of the veto power, a power purely conservative, and only to be exercised in cases clearly unconstitutional, or exhibiting evidence of hasty, injurious, and imperfect legislation. Such being my views of official duty in the premises, should the Legislature—the constitutional exponent of popular will—enact such a law, it would in the event of my election, receive the Executive sanction.

Yours very respectfully,

JAMES POLLOCK.

Stephen Miller, Esq., Chairman, and other Committee.



## Declaration of Position on the Questions of the Nebraska Bill and Slavery.

Milton, June 19th, 1854.

Gentlemen:—

YOUR LETTER OF THE 27TH ULT., WITH ACCOMPANYING interrogatories, have been received.

To your first question I reply, that regarding the passage of the Nebraska Bill, as reckless and ill advised—as a wanton breach of national honor and plighted faith—and as an open and undisguised attempt to extend the institution of slavery to territories now free, I am “in favor of re-enacting that portion of the Missouri Compromise which prohibits Slavery in the territories of Kansas and Nebraska.”

To your second question, I say that the re-enactment of the provision referred to, would necessarily exclude slavery from these territories; and that “unconditional manumission” of all slaves then there could not be regarded as a moral or legal wrong to any party. For slavery can have no legal existence in those territories either by act of Congress, or under the false pretense of “popular sovereignty.” The power to establish slavery can only exist in express grant, or as an incident of absolute sovereignty, and as the Government of the United States is not absolute, but a limited, constitutional sovereignty, and as the Constitution contains no grant of this power, express or implied, it follows that Congress has no power to establish directly or indirectly, by positive act, or by permission under the plea of “non-intervention,” slavery, in any free territories of the United States. If, therefore, slavery enter those territories, it will be there not only without authority of constitutional law, but in violation of all law. Under these circumstances the restoration and preservation to freedom of those territories, would be sustained by every prin-

ciple of law, and justified by every consideration of national faith and national honor.

Yours respectfully,

JAMES POLLOCK.

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Inaugural Address to the Assembly.—1855.

Fellow Citizens:

CUSTOM SANCTIONS, AND DEMANDS, A BRIEF declaration of the principles and policy, to be adopted and pursued by an Executive about to assume the functions of that office. The character of our institutions demonstrates the propriety of such declaration. All the just powers of the Government emanate from the people, and to them should be communicated the manner in which it is proposed to execute the powers conferred.

The people are sovereign; and in the exercise of their sovereignty, they have “ordained and established” a Constitution for the government of the State. That Constitution, I have this day, in the presence of my fellow citizens, and of Him who is the searcher of hearts—and with humble reliance on His wisdom to direct—sworn to support. The high powers therein delegated to the respective co-ordinate branches of the Government are clearly expressed and defined. Side by side with the grant of powers, stands the declaration of the rights of the people, recognizing the general, great and essential principles of liberty and free government. To guard against the transgression of the powers delegated; and to preserve forever inviolate the rights, liberties and privileges of the citizen, thus declared, will be both a duty and a pleasure, in full harmony with every sentiment of my heart, every impulse of my nature.

Republican institutions are the pride, and justly the glory of our country. To enjoy them is our privilege, to maintain them our duty. Civil and religious liberty—freedom of speech, and of the press, the rights of conscience, and freedom of worship—are the birthright and the boast of the American citizen. No royal edict, no pontifical decree, can restrain or destroy them. In the enjoyment of these blessings, the rich and the poor, the high and the low, meet together—the Constitution, in its full scope and ample development, shields and protects them all. When these rights are assailed, these privileges endangered, either by mad ambition, or by influences foreign to the true interests of the Nation, and at war with love of country—that noble impulse of the American heart, which prompts it to revere home and native land as sacred objects of its affections—it is then the ballot-box in its omnipotence, speaking in thunder tones the will of the people, rebukes the wrong, and vindicates the freedom of the man—the independence of the citizen. To the American people have these blessings been committed as a sacred trust; they are, and must ever be, their guardians and defenders. The American citizen, independent and free, uninfluenced by partisan attachments, unawed by ecclesiastical authority or ghostly intolerance—in the strength of fearless manhood, and in the bold assertion of his rights—should exhibit to the world a living illustration of the superior benefits of American Republicanism; proclaiming a true and single allegiance to his country, and to no other power but “the God that made and preserves us as a Nation.”

Virtue, intelligence and truth, are the foundation of our Republic. By these our institutions and privileges can, and will be preserved. Ignorance is not the mother of patriotism, or of Republics. It is the enemy and destroyer of both. Education, in its enlightening, elevating and reforming influences, in the full power

of its beneficent results, should be encouraged by the State. Not that mere intellectual culture that leaves the mind a moral waste, unfit to understand the duties of the man or citizen, but that higher education, founded upon, directed and controlled by sound and elevated moral principle—that recognizes the Bible as the foundation of true knowledge, as the text-book alike of the child and the American statesman, and as the great charter and bulwark of civil and religious freedom. The knowledge thus acquired is the power conservative of States and Nations; more potent in its energy to uphold the institutions of freedom and the rights of man, than armies and navies in their proudest strength.

The framers of our Constitution understood this, and wisely provided for the establishment of schools and “the promotion of the arts and sciences, in one or more seminaries of learning,” that the advantages of education might be enjoyed by all.

To improve the efficiency of this system, not only by perfecting our common schools, but by encouraging and aiding “one or more” higher literary institutions, in which teachers can be trained and qualified; and to increase the fund appropriated to educational purposes, are objects which will at all times receive my willing approval. Money liberally, yet wisely, expended in the pursuit and promotion of knowledge, is true economy. The integrity of this system and its fund must be preserved. No division of this fund for political or sectarian purposes should ever be made or attempted. To divide is to destroy. Party and sectarian jealousies would be engendered, the unity and harmony of the system destroyed, and its noble objects frustrated and defeated. Bigotry might rejoice, patriotism would weep over such a result.

In the performance of the duties now devolved upon me, it will be my desire to aid, by all constitutional



and legal means, the development of the resources of the State; and to encourage and promote her agricultural, mining, manufacturing and commercial interests. A kind Providence has bestowed upon us, with a liberal hand, all the elements of wealth and greatness. Our valleys and plains offer their fertile soil to the ploughshare of the husbandman, and reward with their rich productions his honorable toil. Our inexhaustible coal fields; our rich iron deposits; limestone everywhere, and just where most required; the interminable forest, and our rushing streams; all invite the energy and enterprize of our citizens to the development of their treasures, and promise a rich reward to their labors. The smoke of our furnaces; the crash of the rolling-mill; the hum of the spindle; and the din of the work-shop, attest the energy and manufacturing skill of our people; and whilst the plough, the loom and the anvil, unite in the production of wealth, commerce, by her thousand avenues, is bearing their valuable and abundant products to our marts of trade. Amidst all these great interests, and their rapid and almost romantic development, it is a matter of congratulation, that agriculture, in its various departments, has awakened public attention to its importance, and claimed and received from science the tribute of its aid. Pennsylvania so deeply interested in the success of her agricultural industry, cannot be indifferent to the laudable efforts now making to perfect and advance this first, and noblest, pursuit of man. This, and all other branches of industry, should receive the fostering care and encouragement of the Government.

The interests of our great commercial emporium should receive the considerate attention of the Legislature. Her manufactures, trade and commerce, are of great and increasing importance, and Philadelphia, as consolidated, in population, wealth, enterprize and intelligence, ranks and rivals the first cities of the

Union. To make her the first among the cities of our country, should be the pride of every Pennsylvanian. Her interests are so identified with the interests of the State, that they cannot be separated without injury to both. A prudent and liberal system of legislation, appropriate to her real wants, would promote her own and the interests of the Commonwealth.

A sound currency is essential to the prosperity of a commercial people. All classes of society, and every branch of industry, in their varied interests and economical relations, are interested in securing and maintaining a safe circulating medium. To accomplish this result, wise and prudent legislation is necessary. The creation of a well regulated, and carefully guarded system of banking, is not only sound policy, but beneficial to the legitimate trade and commerce of the country; and aids in developing her great natural and industrial resources. Our present system of banking, with the limitations, restrictions and liabilities, individual and otherwise, imposed by law on these institutions, has become the settled policy of the State. The checks and guards thrown around them should not be lessened or removed. Their own safety, and the security of the public, require their continuance.

Notice of numerous intended applications to the Legislature for new banks, an increase of banking capital and savings institutions, has been given, as required by the Constitution. Without desiring to assume a hostile attitude towards all banks, the propriety of incorporating all that may be called for, under the notice given, cannot be justified or defended. The extravagant, improper or unreasonable increase of banks and banking capital, is not demanded by the wants of the community, and will not and cannot be sanctioned by the Executive. The present commercial and financial embarrassment of the country; the depressed state of trade; all past experience, the more

recent experience of some of our sister States, as seen in their ruined banks and depreciated currency, demonstrate the necessity of legislation cautiously and prudently on this subject.

The number of banks, and, consequently, the amount of banking capital, should be limited to, and regulated by, the proper demands of active and healthy trade, and the actual business wants and necessities of the community. This policy, honestly insisted upon and pursued, would protect the country from the disastrous consequences of improvident banking. An extraordinary and unnecessary increase of banks and banking facilities, in seasons of great general prosperity, leads to extravagant and ruinous speculation. Such increase, in times of commercial distress, aggravates and prolongs the evils it was designed to remedy. Entertaining these views, I will not hesitate to sanction the re-chartering of old and solvent banks, which, by prudent and careful management, and an honest adherence to the legitimate purposes of their creation, have merited and received the confidence of the public. Nor will I refuse to sanction the incorporation of new banks, when indispensably necessary and clearly demanded by the actual business wants and interests of the community in which they may be located. To no other, and under no other circumstances, can I yield the Executive consent.

To promote the welfare and prosperity of the Commonwealth, by regulating and increasing her finances, economizing her resources, maintaining her credit, reducing her debt, and relieving her people from oppressive taxation, will be the objects of my anxious desire; and to the accomplishment of which every energy of my administration will be directed. The public debt, now exceeding forty millions of dollars, and the annual taxation necessary to meet the payment of its interest, seriously affect the great industrial interests of the

State; drive labor and capital from the Commonwealth; prevent the extension and completion of her noble system of education, and the prosecution of those laudable schemes of benevolence, which at once benefit, dignify and adorn a free and enlightened people.

Every consideration of State pride, every motive of interest, require its reduction and speedy liquidation, by every available and practicable means. To secure this object, rigid economy in every department of the government; retrenchment in the public expenditures; strict accountability in all the receiving and disbursing officers of the Commonwealth; and an honest and faithful discharge of duty by all her agents, would contribute much, and also save millions to the Treasury.

Created by the State, in the prosecution and management of her system of internal improvements—a system characterized by “prodigality, extravagance and corrupt political favoritism”—the sale of these improvements, or at least of the “main line,” as a means of reducing this debt, lessening taxation and saving our financial credit, has for many years occupied the attention of the people, and their representatives. Bills for the sale of the main line have been passed by three different Legislatures, two of which were approved by the Governors then in office. The people, on the question being submitted to them in 1844, decided, by a large majority, in favor of the sale; and yet these works, from the defective character of the laws authorizing the sale, the restrictions contained in them, and from other causes, remain unsold. Public sentiment, founded on economical, moral and political considerations, still demands, and the public welfare still requires, their sale.

The consideration to be paid, the mode, terms and conditions of the sale, ought to be carefully considered. Just and liberal inducements should be offered to purchasers; whilst at the same time the people should be protected against wrong and imposition. By avoid-



ing the errors of former legislation, a sale on terms favorable to the State, and beneficial to the purchaser, may be secured.

It is vain to hope for a reduction of the debt, and relief from taxation, without a sale of the whole, or part of our public improvements. Incumbered with debt, and taxed to support a system, the management of which has been marked by extravagance, expenditure, fraudulent speculation, and a reckless disregard of public interests, the people demand relief and release from these burdens. The press and the ballot box have declared the popular will on this subject, and that will should be obeyed. Duty, and a conviction of its propriety, will prompt me to give a cordial support to the accomplishment of this object.

In this connection, and whether a sale of all or any of the public improvements be effected or not, the abolition or re-organization of the Board of Canal Commissioners, and the substitution of some other efficient and responsible system of management, are subjects worthy of consideration. Every measure of reform in this regard, calculated to increase the efficiency and responsibility of the supervisory power; protect the interests of the State; and correct the real or alleged abuses of the present system, will receive my approval.

The people having in the recent election decided against the passage of a law prohibiting the manufacture and sale of spirituous liquors, it will become the duty of the Legislature and Executive to consider what other legislation may be necessary to control and correct the evils of intemperance. Our present license system, although highly penal, and corrective of many abuses, is still defective. The facility with which licenses are obtained for the sale of malt and other liquors, is an evil that demands reform. The number of places in which these are sold, should be limited by

law; and no license granted unless by the courts, and in the manner now required in the case of public inns and taverns; and subject to the same regulations, restrictions and penalties.

The desecration of the Sabbath by a traffic so fruitful of evil, and so demoralising in its results, is in direct opposition to the law of God, and the moral sentiment of the people; and is a reproach to the age in which we live. A stringent and comprehensive law, remedial in its provisions, and vindicating the great law of the Sabbath, in its physical and moral relations to man, is required, not only by the moral sense of community, but would be justified by every sentiment of humanity, every consideration of philanthropy, every impulse of pure and genuine patriotism. The history of intemperance is written in tears and blood. Pauperism, taxation, and crime follow in its train. A remedy should be applied; and public sentiment, with the full force of its moral sanction, will approve all prudent and constitutional legislation on this subject.

The pardoning power—the harmonious blending of mercy and justice in our Constitution—will be exercised with a just regard to both these important principles. With every desire to extend mercy to the unfortunate and repentant transgressor, justice, in her stern demands, will not be overlooked by the pardon of the evicious and hardened criminal. This power has been conferred on the Executive, not to overthrow the administration of justice, but to aid and promote it. It should be exercised with great caution, and only upon the most satisfactory assurance that it is due to the condemned, and that the rights and security of the public will not be prejudiced by the act. To prevent the abuse of this power, and to protect the Executive from imposition, notice of the intended application should be published in the city or county where the trial and conviction took place.

Experience has demonstrated the impolicy of subscriptions by municipal corporations, to the stock of railroad companies. This is especially true in relation to county subscriptions. The practice should be avoided, or at least not encouraged by future legislation.

Legislation, so far as practicable, should be general and uniform. Local and special legislation ought to be discouraged, when the object can be obtained by general laws. Its tendency is pernicious; and general principles, and public good, are often sacrificed to secure personal and private benefits. "Omnibus legislation" being improper in itself, and demoralising in its influence, cannot receive my sanction. The views and practice of my immediate predecessor on this subject, meet my cordial approval.

Pennsylvania, occupying as she does an important and proud position in the sister-hood of States, cannot be indifferent to the policy and acts of the National Government. Her voice, potential for good in other days, ought not to be disregarded now. Devoted to the Constitution and the Union—as she was the first to sanction, she will be the last to endanger the one, or violate the other. Regard with jealous care the rights of her sister States, she will be ever ready to defend her own. The blood of her sons poured out on the many battle-fields of the Revolution, attests her devotion to the great principles of American freedom—the center-truth of American republicanism. To the Constitution in all its integrity; to the Union in its strength and harmony; to the maintenance in its purity, of the faith and honor of our country, Pennsylvania now is, and always has been pledged—a pledge never violated, and not to be violated, until patriotism ceases to be a virtue, and liberty to be known only as a name.

Entertaining these sentiments, and actuated by an exclusive desire to promote the peace, harmony and

welfare of our beloved country, the recent action of the National Congress and Executive, in repealing a solemn compromise, only less sacred in public estimation than the Constitution itself—thus attempting to extend the institution of domestic slavery in the territorial domain of the National, violating the plighted faith and honor of the country, arousing sectional jealousies, and renewing the agitation of vexed and distracting questions—has received from the people of our own and other States of the Union, their stern and merited rebuke.

With no desire to restrain the full and entire constitutional rights of the States, nor to interfere directly or indirectly with their domestic institutions, the people of Pennsylvania, in view of the repeal of the Missouri Compromise, the principle involved in it, and the consequences resulting from it, as marked already, by fraud, violence and strife, have re-affirmed their opposition to the extension of slavery into territory now free, and renewed their pledge “to the doctrines of the act of 1780, which relieved us, by constitutional means, from a grievous social evil; to the great ordinance of 1787, in its full scope, and all its beneficent principles; to the protection of the personal rights of every human being under the Constitution of Pennsylvania, and the Constitution of the United States, by maintaining inviolate the trial by jury, and the writ of habeas corpus; to the assertion of the due rights of the North, as well as of the South, and to the integrity of the Union.”

The declaration of these doctrines, is but the recognition of the fundamental principles of freedom and human rights. They are neither new nor startling. They were taught by patriotic fathers at the watchfires of our country's defenders; and learned amid the bloody snows of Valley Forge, and the mighty throes of war and revolution. They were stamped with in-



delible impress upon the great charter of our rights, and embodied in the legislation of the best and purest days of the Republic; have filled the hearts, and fell burning from the lips of orators and statesmen, whose memories are immortal as the principles they cherished. They have been the watch-word and the hope of millions, who have gone before us, are the watch-word and the hope of millions now, and will be of millions yet unborn.

In many questions of National and truly American policy—the due protection of American labor and industry, against the depressing influence of foreign labor and capital; the improvement of our harbors and rivers; the National defences; the equitable distribution of the proceeds of the public lands among the States, in aid of education and to relieve from debt and taxation; a judicious “homestead bill;” reform in the naturalization laws; and the protection of our country against the immigration and importation of foreign paupers and convicts—in all these, we, as a State and people, are deeply interested; and to their adoption and promotion every encouragement should be given.

To the people of my native State, who have called me to preside over her destinies, I return the tribute of my warmest gratitude, for the honor conferred; and my pledge to them this day is, that “I will try” to realize their expectations, and not betray their confidence. In assuming the responsibilities of this high office, I would be false to myself and to the feelings that now oppress me, should I hesitate to affirm my unaffected distrust in my ability to discharge its appropriate duties in a manner commensurate with their importance. If I cannot secure, I will labor to deserve the confidence and approbation of my fellow citizens. I do not expect, I dare not hope, to escape censure. Deserved censure I will strive to avoid, all other to disregard. Conscious of the rectitude of my inten-

tions; with no ambitious desires to gratify; no resentments to cherish; no wish, but for the public good; it will be my endeavor to perform every duty faithfully and fearlessly, and having done this, will abide the judgment of a generous people; assured that if they condemn the act, they will at least award to me the meed of good intention.

With the Constitution for my guide; "equal and exact justice to all" my desire; the greatest good of the greatest number my object—and invoking the aid and blessing of the God of our fathers, and desiring to rule in his fear—my duty, and highest ambition, will be to promote the true interests of the State, maintain our civil and religious privileges, defend the honor, and advance the prosperity and happiness of our Country.

JAMES POLLOCK.

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To the Speaker of the Senate Giving Notice of the  
Appointment of Andrew G. Curtin to be Secretary  
of the Commonwealth.

To Hon. William M. Hiester,  
Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE, THAT  
I have on this day appointed and commissioned  
Andrew G. Curtin to be the Secretary of the  
Commonwealth, agreeably to the eighth section of the  
second article of the Constitution.

I have the honor to be, sir,

Your obedient servant,

JAS. POLLOCK.

To the Senate Nominating Alexander K. M'Clure  
to be Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, February 6, 1855.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE  
and consent of the Senate, Alexander K. M'Clure,  
Esquire, of Franklin county, to be Superintendent  
of Public Printing, agreeably to the provisions of the  
act of fifteenth March, A. D. 1853, entitled "A further  
supplement to an act, entitled 'An act to create perma-  
nently the office of State Printer.'"

JAS. POLLOCK.

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To the Assembly Vetoing "An Act Legalizing the  
Election of Justices of the Peace in the Borough of  
Shrewsbury, in the County of York."

Executive Chamber,  
Harrisburg, February 10, 1855.

Gentlemen:—

**I** HEREWITH RETURN THE BILL, NO. 26, ENTI-  
tled "An Act legalizing the election of justices of  
the peace in the borough of Shrewsbury, in the  
county of York," to the Senate, in which it originated,  
with my objections to the same.

The seventh section of the sixth article of the Consti-  
tution provides, that "justice of the peace or aldermen  
shall be elected in the several wards, boroughs and  
townships at the time of the election of constables by  
the qualified voters thereof," &c.

The act of Assembly relating to the election of jus-  
tices, passed the twenty-first day of June, 1839, in ac-  
cordance with this constitutional provision, declares  
the time and place of electing justices of the peace to

be the time and place of electing constables. An election of justices of the peace at any other time and place is therefore clearly unconstitutional.

The time fixed by law for the election of constables in the county of York, and generally throughout the State, is the third Friday in March of every year. The election proposed to be legalized by this bill was held on the second Tuesday of October last, and not at the time of electing constables as required by law and the constitution. The election was therefore in express violation of the constitution, and cannot be confirmed by Legislative action. This objection is insuperable, for it will not be pretended that a legislative act can change or impair the effect of a constitutional provision, or legalize what the constitution forbids.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act Extending an Act Relative to the Payment of Surveyors in Indiana County, to the County of Armstrong."

Executive Chamber,  
Harrisburg, February 15, 1855.

Gentlemen:—

**I** HEREWITH RETURN BILL, NO. 33, ENTITLED  
"An Act extending an act relative to the payment of surveyors in Indiana county, to the county of Armstrong," to the Senate in which it originated, with my objections to the same.

The act relative to the payment of surveyors in laying out roads in Indiana county, was an innovation upon the general law relating to roads, highways and bridges. The policy and propriety of legislating on this subject for that county, and now for Armstrong county, to the exclusion of the other counties of the State, cannot be discovered or appreciated. If the



provisions of that act were embodied in a general law, they would, perhaps, be unobjectionable, and fully secure the object of this bill, without impairing the uniformity of the general road law. Local legislation for Indiana county, has induced and encouraged that species of legislation for Armstrong county. If this prevails other counties in turn will invoke the aid of the Legislature in their behalf, and we will soon have upon the statute book as many local and separate acts relative to the payment of the surveyors in laying out roads, as there are counties in the State. This evil can be avoided, and the same object obtained, if deemed advisable and important by the passage of a general law. From all local and special legislation, when the object desired in the principle involved can be secured by a general law, I feel constrained to withhold my approval.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act for the Relief of the Legal Representatives of Samuel M. Leiper."

Executive Chamber,  
Harrisburg, February 15, 1855.

Gentlemen:—

**I** HEREWITH RETURN THE BILL, NO. 85, ENTITLED "An act for the relief of the legal representatives of Samuel M. Leiper," to the Senate, in which it originated, with my objections to the same.

The necessity for the special interference of the Legislature in the subject matter of this bill, is not apparent in the bill itself, nor set forth in the preamble. The facts of the case, so far as they are deducible from the bill, and the petition of the parties asking legislative action, presents no just and necessary reason for special legislation. Our common law and orphans'

courts, in connection with the ample equity jurisdiction conferred on them by various acts of Assembly, are fully competent to determine the rights and secure the interests of the respective parties; and to decree the performance and enforce the execution of all contracts in which the parties may be interested in the premises. The case is clearly within the general jurisdiction of our courts, and falls within the provisions of the act of 18th April, 1853, relating to real estate, &c. The right of the Legislature to interfere with the estate of the decedent, in the manner proposed, is more than doubtful. The legislative determination of judicial questions is always objectionable. Without the consent of the parties in interest, the present action of the Legislature would be unconstitutional and void, as interfering with the rights of parties over which they have no constitutional control; in assuming the functions and performing the duties of our judicial tribunals, and invading their peculiar powers and jurisdiction over all questions of contested rights. With the consent of the parties, this action is useless and unnecessary; for if the parties have a legal capacity to consent, then that consent duly evidenced, would authorize and justify the trustee, (William A. Irvine,) to transfer and convey to the trustees named in the bill, or to others who might be named, all the rights, interests and estates of the decedent in trust for his legal representatives, and for the objects and purposes specified in the bill, without the intervention of the Legislature. The passage of this bill will not conclude the parties or determine their rights. Should the bill become a law, and the trustees (Dr. Irvine) refuse, on demand made, to convey the estate of the decedent to the trustees named, the whole subject must be referred to the courts for their judicial determination, and this act would remain a dead letter on the statute book—a monument of the impropriety and danger of special

legislation. If the circumstances of this case demand a remedy which the powers and jurisdiction of the courts cannot furnish, let that remedy be supplied by a general act, and not by special legislation. Entertaining the opinion that the courts, with their general and special powers, as exercised in their full common law and equity jurisdiction, can protect the rights of the parties, and furnish an adequate remedy in the premises, and desiring to avoid all special legislation, when the object can be effected by existing general laws, or by general laws to be enacted, I cannot concur in the passage of this bill.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act to Confirm the Title of Certain Real Estate in the Counties of M'Kean and Potter."

Executive Chamber,  
Harrisburg, February 24, 1855.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 86, entitled "An Act to confirm the title of certain real estate in the counties of M'Kean and Potter," with my objections to the same.

The impolicy and danger of special legislation are clearly seen and illustrated in the bill herewith returned. If it is not repugnant to the constitution, it is so subversive of well established principles—so inequitable in its provisions, and dangerous as a precedent, that it should not be permitted to become a law. The facts of the case as exhibited, do not and cannot justify the action of the Legislature in the premises.

The real estate, the title to which it is proposed to

confirm, decended at the death of their mother, to two minor children, non-residents of the United States. The orphans' courts of Potter and M'Kean counties, having no jurisdiction of the persons of those minors, on the application of a stranger, appointed William V. Keating their guardian. The same courts, on the petition of the guardian thus appointed, ordered and decreed a sale of their real estate. In pursuance of such order, the lands were sold and deeds made to the purchasers. No notice of these proceedings was ever given to the children or to any of their friends or relatives. Under these circumstances the illegality of all these proceedings, from the appointment of the guardian to the delivery of the deeds to the purchasers, cannot be doubted; and yet the Legislature are asked to pass a law declaring that such sale shall be deemed as valid in all respects as if the petition for such appointment had been signed by the next friend of said minors, and said minors had been, at the time of such application, residents of the United States; and that the deed or deeds of such guardian delivered to the purchaser at such sale, "shall be deemed as valid, to pass the title and interest of said minors to such estate, and vest the same in the purchaser, as if the said minors had been of full age, and had duly executed and delivered a deed or deeds therefor."

The effect of such an enactment would be to deprive those minors of their legal rights—to take from them their lands and vest them in another, without consideration or shadow of legal right. A proposition so devoid of justice need only be named to be rejected. If the courts of the counties named, had jurisdiction of the case, and if their proceedings were regular, the purchaser at such sale would take and hold the legal title to those lands; and the proposed legislation would be wholly unnecessary and gratuitous. On the contrary, if the said courts acted without authority of law, and



outside of their jurisdiction, their orders and decrees in the premises, and a sale in pursuance thereof, could not divest the title of these minors; and the attempt to do so by this bill would be unconstitutional and void. The rights of the parties, as they stood on the day of sale and delivery of the deed, cannot be affected by any subsequent legislative action. If the sale by the guardian passed no title to the purchaser, this bill, if enacted into a law, could not do so. Let the rights of the parties be determined by the courts; but never permit a legislative act, even in appearance, to become the instrument of wrong and oppression.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act Relative to the Proof of Title of John Keating and Company."

Executive Chamber,  
Harrisburg, February 24, 1855.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 114, entitled "An Act relative to the proof of title of John Keating and company," with my objections to the same.

This bill requires the recorders of the counties in which certain lands are situated, to record certain ex parte affidavits, and directs that, "the records thereof shall be received and read in evidence in all suits or actions where the same may be relevant, as evidence of the facts therein contained, and shall be regarded as prima facie evidence for the establishment of such facts."

The affidavits are not only ex parte, but extra-judicial, being made on the mere motion of the parties, without authority of law, and in no pending judicial

proceeding. No notice was given to the opposite party, and no opportunity for cross examination afforded.

The propriety and necessity of changing long and well established principles and rules of evidence, for the benefit of the holders of these lands, cannot be discovered. These affidavits enter into and constitute an element of title, and to give them, by the magic of a legislative act, the force and effect of even *prima facie* evidence, would be not only dangerous as a precedent, but subversive of the rights of property and the fundamental principles of the law of evidence.

Why could not the testimony of these witnesses be perpetuated in the usual manner, without this resort to special legislation? The courts of the State have full constitutional power to perpetuate testimony. The mode, as prescribed by law, and regulated by the rules and practice of the courts, is simple and sufficient. A bill to perpetuate testimony, filed in the proper court, by the parties interested, would secure to them all the benefits expected or desired by this special legislation, and certainly in a form less objectionable, and more free from suspicion of unfairness. When existing laws furnish a full and ample remedy, special legislation should be discouraged and avoided.

JAS. POLLOCK.

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To the Assembly Transmitting Resolutions from the  
Legislature of Rhode Island upon the Subject of  
Naturalization.

Executive Chamber,  
Harrisburg, February 28, 1855.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HERewith, the accompanying resolutions, adopted by the General Assembly of the State of Rhode Island, and enclosed to me by his Excellency, the Gov-

ernor of that State, with a request that I should lay the same before the General Assembly of this Commonwealth. They are, therefore, herewith transmitted.

Very respectfully,

Yours, &c.,

JAS. POLLOCK.

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#### RESOLUTIONS ON NATURALIZATION.

State of Rhode Island and Providence Plantations,  
In General Assembly, January session, A. D., 1855.

"Resolved by this General Assembly, That our Senators and Representatives in Congress be and they are hereby requested to urge upon the consideration of Congress, the necessity of passing a law imposing sever penalties against the introduction or importation into this country of foreign paupers and foreign criminals; since the introduction of the first named class of foreigners is calculated to impose unreasonable taxes upon American citizens, and of the latter class, to corrupt the public morals and endanger the public safety.

"Resolved, That our Senators and Representatives in Congress be and they are hereby requested to use their best exertions to procure the passage, by the National Legislature, of a new naturalization law, which shall require a previous continuous residence of twenty-one years in this country, to enable an alien to become a citizen thereof, and that all processes and oaths required by such law, shall be required to be had and taken exclusively before some circuit or district court of the United States, and before the judge or judges thereof in open court.

"Resolved, That his Excellency, the Governor, be requested to transmit copies of the above resolutions to our Senators and Representatives in Congress, to be by them presented to their respective houses of Congress, and to the Governors of other States, with a request that they be communicated to the Legislatures thereof."

State of Rhode Island and Providence Plantations,  
Office of Secretary of State.

In pursuance of the last of the above resolutions, I hereby

transmit a true copy of resolutions passed by the General Assembly of this State, at its January session, A. D. 1855.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Providence, this 20th day of February, A. D. 1855.

By order of the Governor.

WM. R. WATSON,  
Secretary of State.

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To the Assembly Vetoing "An Act to Incorporate  
the Stroudsburg Bank.

Executive Department,  
Harrisburg, March 30, 1855.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 301, entitled "An act to incorporate the Stroudsburg Bank," with my objections to the same. For the reasons of my refusing my signature to this bill, I would most respectfully refer you to my message of the 23d of March, inst., accompanying the return of the bill, No. 276, entitled An act to incorporate the Bank of Pottstown."

The Legislature having, at its present session, passed numerous bills incorporating new banks, and largely increasing the banking capital of the State, I am compelled in the application of the principles contained in the message referred to, to discriminate as to the localities in which the business wants of the community require additional banking facilities. I have this day signed several bills incorporating new banks, but I cannot discover a clear necessity for the creation of the bank proposed in this bill, and therefore, withhold my signature.

JAS. POLLOCK.



To the Assembly with a Series of Resolutions by the  
Arkansas Legislature on Slavery.

Executive Department,  
Harrisburg, March 30, 1855.

Gentlemen:—

**I**N ACCORDANCE WITH THE REQUEST OF THE  
Governor of the State of Arkansas, I herewith  
transmit to you a series of resolutions recently  
adopted by the Legislature of that State on the subject  
of slavery.

JAS. POLLOCK.  
State of Arkansas.

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Resolutions on the Subject of Slavery.

“Whereas, The right of property in slaves is expressly recognized by the Constitution of the United States, and is, by virtue of such recognition, guaranteed against unfriendly action on behalf of the General Government: And whereas, Each State of the Union, by the fact of being a party to the federal compact, is also a party to the recognition and guarantee aforesaid: And whereas, The citizens of each State are, in consequence of such citizenship, under the most sacred obligations to conform to the terms and tenor of the compact to which their State is a party; therefore,

“1st. Be it resolved by the General Assembly of the State of Arkansas, That the legislation of Congress, repealing the ‘Missouri compromise’ of 1820, and asserting the doctrine of non-interference with slaves, alike in States and Territories, is in strict accordance with the Constitution, and in itself just and expedient, and is for these reasons cordially approved by the people of Arkansas.

“2d. Resolved, That the opposition of Northern States to the legislation above-mentioned, is at war with the letter and spirit of the Constitution, is grossly violative of plighted faith, and is a traitorous blow aimed at the rights of the South and the perpetuity of the Union.

“3d. Resolved, That the citizens of the State of Ohio have pursued a course peculiarly unjust and odious, in their fanatical hostility to institutions for which they are not responsible; in their encouragement of known felons, and endorsement of repeated and shameless violations of law and decency; and

in their establishment of abolition presses and circulation of incendiary documents, urging a servile population to bloodshed and rapine; and by reason of the premises, it is the duty and the interest of the people of Arkansas to discontinue all social and commercial relations with the citizens of said State; and the same is hereby earnestly recommended, as the punishment of past outrages and a preventive of further aggressions.

"4th. Resolved, That his Excellency, the Governor, be and he is hereby requested to transmit copies of these resolutions to the Governors of the several State and Territories of the Union, to be laid before the legislative authorities thereof; and to our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

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To the Assembly Vetoing "An Act to Incorporate the Lebanon Valley Bank."

Executive Department,  
Harrisburg, April 30, 1855.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 302, entitled "An Act to incorporate the Lebanon Valley Bank." Constitutional objections, such as I cannot conscientiously disregard, prohibit my approval of this bill.

The first is the insufficiency of the notice given of the intention to apply for the incorporation of this bank.

Our constitution provides "that no corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months' previous notice of the intended application for the same, in such manner as may be prescribed by law." The act of Assembly of the 1st of June, 1839, was passed to carry out this constitutional provision, and it very clearly prescribes the duty of those who desire a grant of such privileges. They must "cause a notice of their intended application to be advertised in two

newspapers printed in the county in which such corporate body is, or is intended to be located, at least once a week in each paper for six months before the meeting of the then next Legislature, and also, in one newspaper printed in the borough of Harrisburg," and such notice must also "specify the amount of capital, or intended amount of capital of such corporate body."

It appears by the papers on file that notice was accordingly given in two newspapers published in Lebanon county, and in one published at Harrisburg, that application would be made at the present session of the Legislature for the incorporation of the "Lebanon Valley Bank." That notice was not, however, given in conformity with the requirements of the constitution and the law. Its first appearance in the "Lebanon Advertiser" was on the 5th of July, 1854, a period less than six months prior to the meeting of the Legislature, and however correctly it may have been published in the other papers, this is in my opinion a fatal omission.

The other objection is the variance between the specifications contained in the notice and the provisions of the bill presented for my approval. The notice given contemplated the creation of a bank with a capital of one hundred thousand dollars, with the privilege of increasing it to two hundred thousand dollars, but the bill before me gives a capital of one hundred thousand dollars only, without any privilege of increasing it beyond that sum. This is, in my opinion, such a departure from the terms of the notice as the Legislature cannot constitutionally make.

It is not, however, necessary that I should again give my views at length upon these points. They are fully stated in my messages of the 17th instant, returning, with my objections, the "Mercer County" and the "York County" bank bills, and to them I most respectfully refer you.

These objections are insuperable, and whilst I express no opinion as to the necessity or expediency of incorporating the "Lebanon Valley Bank," I feel myself compelled, by convictions of duty, to refuse my assent to this bill.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act to Incorporate the Atlantic Insurance Company of the State of Pennsylvania, to be Located at Girard, in the County of Erie, or at Such Other Place as the Directors May Deem Expedient."

Executive Department,  
Harrisburg, May 2, 1855.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill, No. 364, entitled "An act to incorporate the Atlantic insurance company of the State of Pennsylvania, to be located at Girard, in the county of Erie, or at such other place as the directors may deem expedient," with my objections to the same.

The insurance company incorporated by this bill, is not confined to any locality or county of the Commonwealth. In the title it is to be located at Girard, in the county of Erie, or such other place as the directors may deem expedient, but in the act itself no place is named. The capital is limited to five hundred thousand dollars, and the directors are allowed the privilege of roaming all over the State at their pleasure.

The business of insurance cannot, from its nature, be successfully or usefully conducted without chartered privileges, and this Legislature cannot be charged with any want of liberality in the incorporation of companies for that purpose; but it would be a violent innovation and dangerous precedent to give any incorporated body, for whatever purpose chartered, the right to



itinerate, either for the successful prosecution of business, or from motives less commendable, and I cannot therefore give my assent to this bill.

JAS. POLLOCK.

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To the Assembly Vetoing "A Supplement to the Act  
Relating to Insolvents."

Executive Chamber,  
Harrisburg, May 4, 1855.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill, No. 2, entitled "A supplement to the act relating to insolvents," with my objections to the same.

This bill proposes to make some highly important and fundamental changes in the insolvent laws, impressing upon them the character of a system of bankruptcy, but limits the application of these new provisions to the city of Philadelphia and the county of Allegheny, and to creditors and debtors residing or having their places of business therein. This introduces a special system for cases arising in those counties, differing from that which governs like cases arising in the other counties of the Commonwealth. It provides remedies for the collection of debts, and grants relief and protection to debtors and their property subsequently acquired, limited exclusively to those localities. If there is any subject upon which it is important that our laws should be uniform throughout the State, it is on the rights and duties arising from contracts, and the remedies provided for enforcing them. Among many other inconveniences which would result from the violation of that principle contained in this bill, a serious one is, that one creditor can obtain process against his debtor, from which an-

other is precluded, unless the latter either changes his residence or disposes of his securities to one resident in the favored locality.

But the provisions of this bill, as a general law, are objectionable, and likely to be productive of much more mischief than benefit. I have remarked that it partakes rather of the character of a bankrupt than of an insolvent law; and it appears to present some of the most odious features of a bankrupt law, without its redeeming qualities.

The first leading object designed to be accomplished in this enactment appears to be, to provide a method by which the creditors of an insolvent may obtain a decree of insolvency against him, and compel him to surrender all his property not exempted by law from execution, to trustees to be chosen by his creditors. But the term insolvency is one of indefinite import, and cases are constantly occurring in commercial communities of persons laboring under temporary embarrassment, whose estates, if driven into hasty liquidation, would be insufficient to pay their debts, who would yet be able, if proper indulgence were extended to them, to meet all their liabilities, and this may be obvious to the great body of their creditors, who may desire to extend such indulgence. But the second section of this bill empowers any four or more creditors, to the amount of one thousand dollars and upwards, of a person believed to be insolvent, to present a petition to the court, setting forth the belief of the petitioners, that such person is in fact insolvent, stating the facts upon which such belief is founded, and that they have been unable to obtain payment of or security for the debts due them; and by the third section power is given in such cases, to the court of common pleas or any judge in vacation, to issue a citation to such alleged insolvent to appear before the court and submit to a decree upon the question. It needs but little experi-

ence in business to perceive that, in times of commercial embarrassment, the presentation of such a petition would ruin the credit of any merchant or trader not wholly independent of any monetary pressure, and thus the fate and fortunes of a man of unsuspected integrity, will be placed within the power of any four credulous, timid or malignant creditors, whose claims may bear a very small proportion, as well to his assets as to his liabilities. Under such circumstances his energy and resources must be extraordinary, if the presentation of such a petition, and the publicity of a citation, whether well or ill founded, and whether pressed to a decree or withdrawn, did not produce that insolvency charged against him; a result which it is the obvious policy of our laws to avoid placing in the power of any individuals to enforce.

The remedies for the discovery and prevention of fraud in the disposal or concealment of the property of an insolvent, seem to be amply provided in the act of 12th July, 1842, to abolish imprisonment for debt and to punish fraudulent debtors; and the parts of the bill providing for the permanent exemption of all future property of a debtor from liability, for debts contracted before his discharge, are of doubtful propriety, and seem to be subject to the exception that they impair the obligation of contracts; within the terms of the tenth section of the first article of the Constitution of the United States. For these and other reasons that might be suggested, I cannot give my assent to this bill.

JAS. POLLOCK.

## Proclamation of a Day of Thanksgiving.—1855.

Pennsylvania, ss.

[Signed] James Pollock.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. By JAMES POL-  
LOCK, Governor of said Com-  
monwealth.

## A PROCLAMATION.

Fellow Citizens:



A Public recognition of the existence of God, as the Creator of all things and the Giver of "every good and perfect gift," with an humble acknowledgment of our constant dependence upon the providence of Him "who rules in the army of Heaven and among the children of men," is alike the duty and the privilege of a free and Christian people.

"He has crowned the past year with his goodness and caused our paths to drop with fatness." He has blessed our Country with peace. The Union of the States—our free institutions—our civil and religious privileges—right of conscience and freedom of worship have been continued and preserved. The great interests of education, morality, and religion have been encouraged and promoted—science and art advanced—industry rewarded—and the moral and physical condition of the people improved.

The goodness of God has signally blessed our Commonwealth. War, with its desolations—famine and pestilence with their horrors; have not been permitted to come near us; and whilst the ravages of disease and death have afflicted the citizens of other states, we



have enjoyed the blessings of health and unusual prosperity. The seasons, in their annual round, have come and gone; "seed-time and harvest have not failed; smiling plenty cheers the husbandman, and surrounded by the abundant fruits of autumn, he rejoices in the rich reward of his toil. The pastures are clothed with flocks—the valleys also, are covered over with corn—they shout for joy—they also sing."

Acknowledging with grateful hearts these manifold blessings of a beneficent Providence, we should "offer unto God thanksgiving, and pay our vows unto the Most High."

Un'er the solemn conviction of the importance and propriety of this duty, and in conformity with the wishes of many good citizens, I, James Pollock, Governor of the Commonwealth of Pennsylvania, do hereby appoint Thursday, the 22d day of November next, as a day of General Thanksgiving and Praise throughout this State; and earnestly implore the people that, setting aside all worldly pursuits on that day, they unite in offering thanks to Almighty God for his past goodness and mercy; and beseech him for a continuance of His blessings.

Given under my hand and the Great Seal of the State at Harrisburg, this 22d day of October, in the year of our Lord, one thousand eight hundred and fifty-five, and of the Commonwealth the eightieth.

By the Governor.

A. G. Curtin,

Secretary of the Commonwealth.

## Annual Message to the Assembly.—1856.

Gentlemen:—

**A** KIND PROVIDENCE HAS GREATLY BLESSED our Commonwealth during the past year. No foreign war, no internal strife have interrupted or destroyed the peaceful quiet of our homes. All the great interests of the people have been eminently prosperous. The earth, in rich abundance, has yielded her increase to supply our wants and reward with her bounties the labor of the husbandman. Labor, in every department of manufacturing and mechanical industry, has been stimulated and encouraged. The ravages of disease and the horrors of the pestilence has been averted from us; and whilst the cry of human suffering, from other States, has been heard invoking our sympathy and aid, we have been blessed with health and permitted to enjoy the comforts and happiness of social life. To Him who hath bestowed these blessings upon us, and upon whose care we are constantly dependent, should be ever paid the willing homage of our grateful hearts.

The report of the State Treasurer will exhibit to you, in detail, the operations of his department. The results are more satisfactory and encouraging than were anticipated.

The receipts at the Treasury for the fiscal year ending November 30, 1855, including the balance in the Treasury on the 1st day of December, 1854, (\$1,240,928 72) amounted to \$6,631,402 83. The total payments for the same period were \$5,385,705 52; leaving a balance in the Treasury on the 30th November, 1855, of \$1,245,697 21. No loans, temporary or otherwise, were negotiated during the past fiscal year, as they were not required by the wants of the Treasury.

The receipts during the past year, from all sources, (excluding the balance in the Treasury on the first

day of December, 1854,) were \$5,390,474 11. The ordinary expenditures for the same period, including the interest on the public debt, were \$4,139,512 28, showing an excess of receipts over ordinary expenditures of \$1,250,961 83.

The extraordinary payments for the year were \$1,246,193 24, as follows, viz:—To the completion of the new Portage railroad over the Allegheny mountains, \$446,762 12; to the North Branch canal, \$87,562 67; to the Columbia railroad, to re-lay south track, \$133,100 00; to the payment of domestic creditors, \$1,629 85; to the redemption of loans, \$316,550 60, and to relief notes cancelled, \$260,588 00.

The balance in the Treasury will be required for the payment of the interest on the State debt falling due in February next, and for unpaid appropriations. The interest on the funded debt of the Commonwealth, which became due in February and August last, was promptly paid; and it is gratifying to state that the interest due in February next will be paid with equal promptness. The credit of the State may be regarded as firmly established, and with proper economy and a careful and honest management of her finances, an annual reduction of her debt, to a considerable extent, may be confidently expected.

There is due by the Treasury to the Sinking Fund the sum of \$335,011 39, to be applied to the redemption of the relief notes now in circulation, and to the funded debt of the Commonwealth. The greater part of the funded debt bears interest at the rate of five per cent. per annum; the balance bears a still less rate of interest. But as the temporary loans, which by law are to be first paid out of the available means of the Treasury, bear interest at the rate of six per cent., it has been deemed advisable, as a matter of economy, to apply the surplus revenues to the payment of those loans. When these are liquidated, the amount due and

properly applicable to the Sinking Fund will be paid, and its operation continued as directed by law.

Notwithstanding the revenues for the last four or five years have largely exceeded the ordinary expenditures of the government, yet in consequence of the large and insatiable demands upon the Treasury for the completion of the North Branch canal, the Portage railroad and other kindred improvements, the public debt, instead of being reduced, has been increased. This increase, with the amount and condition of the debt at different periods, will be seen in the following statements:

Statement of the funded and unfunded debt of the Commonwealth on the 1st day of December, 1851, as per report of the Auditor General.

Funded debt, viz:

|                           |                |
|---------------------------|----------------|
| 6 per cent. loans, .....  | \$2,314,023 51 |
| 5 per cent. loans, .....  | 36,704,484 03  |
| 4½ per cent. loans, ..... | 198,200 00     |

---

Total unfunded debt, ..... \$39,216,707 54

Unfunded debt, viz:

|  |            |            |
|--|------------|------------|
| Relief notes in circulation,   | 650,163 00 |            |
| Interest certificates outstanding, .....                             | 150,231 82 |            |
| Interest certificates unclaimed, .....                               | 4,448 38   |            |
| Interest on outstanding and unclaimed certificates, when funded, ... | 9,752 91   |            |
| Domestic creditors, .....  | 82,932 74  |            |
|  |            | 897,528 85 |

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Total debt December 1, 1851, ... 40,114,236 39

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Statement showing the indebtedness of the Commonwealth on the 1st day of December, 1854, as per Auditor General's report.

Funded debt, viz:

|                           |               |
|---------------------------|---------------|
| 6 per cent. loans, .....  | \$532,104 93  |
| 5 per cent. loans, .....  | 39,064,609 97 |
| 4½ per cent. loans, ..... | 388,200 00    |
| 4 per cent. loans, .....  | 100,000 00    |

---

Total unfunded debt, ..... \$40,084,914 90

Unfunded debt, viz:

|  |            |
|--|------------|
| Relief notes in circulation,   | 494,361 00 |
| Interest certificates outstanding, .....                             | 24,857 21  |
| Interest certificates unclaimed, ... ..                              | 4,448 38   |
| Interest on outstanding and unclaimed certificates, when funded, ... | 1,870 97   |
| Domestic creditors' certificates, .....                              | 2,707 61   |
| Balance of temporary loan of April 19, 1853, .....                   | 560,000 00 |
| Balance of temporary loan of May 9, 1854, .....                      | 450,435 67 |

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Total unfunded debt and temporary loans, ..... 1,538,680 84

To these should be added the following relief notes, not included in the "relief notes in circulation," viz:

|   |             |
|---|-------------|
| Relief notes made by the Lancaster Bank, not charged on State Treasurer's book, .. .. | \$25,000 00 |
|---|-------------|

Relief notes put in circulation September, 1854,  
and not redeemed December 1, 1854, .....

50,000 00

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 75,000 00
 

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Total public debt December 1,  
1854, .....

41,698,595 74

Total public debt December 1,  
1851, .....

40,114,236 39

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Increase of debt in three years, .

1,584,359 35

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The funded and unfunded debt, including unpaid temporary loans, on the 1st day of December, 1855, the close of the last fiscal year, as per report of the Auditor General and State Treasurer, was as follows, to-wit:

Funded debt, viz:

6 per cent. loan, ..... \$516,154 93

5 per cent. loan, ..... 38,903,445 54

4½ per cent. loan, ..... 388,200 00

4 per cent. loan, ..... 100,000 00

Total funded debt, ..... \$39,907,800 47

Unfunded debt, viz:

Relief notes in circulation, 258,773 00

Interest certificates outstanding, ..... 29,157 25

Domestic creditors, ..... 1,264 00

Balance of temporary loan of April 19, 1853, ..... 525,000 00

Balance of temporary loan of May 9, 1854, ..... 346,000 00

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Total unfunded debt, .....

1,160,194 25

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Total debt December 1, 1855, ..

41,067,994 72

|                                       |               |
|---------------------------------------|---------------|
| Total debt, as above stated, December |               |
| 1, 1854, .....                        | 41,698,595 74 |
| Total debt, as above stated, December |               |
| 1, 1855, .....                        | 41,067,994 72 |
|                                       | <hr/>         |
| Decrease during the fiscal year, .    | 630,601 02    |
|                                       | <hr/>         |

This statement exhibits the gratifying fact that during the fiscal year ending November 30, 1855, the indebtedness of the Commonwealth has been reduced \$630,601 02. During the same period large appropriations and payments were made for the completion of the new Portage railroad, re-laying the track of the Columbia railroad, and for other purposes. These demands upon the Treasury were, without the aid of loans, promptly paid.

Refusing to undertake any new schemes of internal improvement, limiting all appropriations to the actual demands of the occasion, practising strict economy in all departments of the government, and holding the receiving and disbursing agents of the Commonwealth to a rigid accountability, will greatly reduce the expenditures, and, under ordinary circumstances, leave an annual surplus of the revenues to be applied to the redemption of the public debt.

The estimated receipts and expenditures for the current fiscal year will be presented to you in the report of the State Treasurer. The receipts from the usual sources of revenue, above the ordinary expenditures, may exceed the sum of one million and a half of dollars. These estimates may approximate the true result, but cannot be relied upon with certainty.

By the thirty-eighth section of the act of the 16th of April, 1845, entitled "An Act to provide for the ordinary expenses of government, the repair of the canals and railroads of the State, and other claims upon the Commonwealth," the Governor was author-

ized to cause certificates of State stock to be issued to all persons or bodies corporate holding certificates for the payment of interest on the funded debt of the State, which fell due on the 1st day of August, 1842, the 1st days of February and August, 1843, and the 1st days of February and August, 1844, in an amount equal to the amount of certificates so held, upon their delivering up said certificates to the Auditor General. In pursuance of the authority thus given, certificates of State stock to the amount of four millions one hundred and five thousand one hundred and fifty dollars and twenty cents, bearing interest at the rate of five per cent. per annum, payable semi-annually, on the 1st day of February and August in each year, and redeemable on or after the 1st day of August, 1855, were issued. The minimum period fixed by law for the redemption of these certificates, expired on the 1st day of August last. No provision has been made for their renewal or redemption.

Although by the terms of the act authorizing these certificates of State stock, as also by the conditions of the certificates issued in pursuance thereof, the time of payment, after the expiration of the minimum period, is optional with the debtor—the Commonwealth—yet a due regard to the credit of the State requires that provision should be made for their renewal or redemption. To redeem these certificates a loan would become necessary, and as a loan cannot be effected, in the present financial condition of the country, on terms more favorable to the State, than those on which these certificates were issued, I would recommend that authority be given to issue the bonds of the Commonwealth in renewal of said certificates, bearing interest at the rate of five per cent. per annum, payable semi-annually, and redeemable on or after the expiration of twenty years; and that the bonds be issued with coupons or certificates of interest attached,



in sums equal in amount to the semi-annual interest thereon, payable on the first days of February and August in each and every year, at such place as may be designated. This change in the form and character of the certificates, it is believed, will be so advantageous to the holders, without increasing the liabilities of the Commonwealth, as to induce a willing and prompt exchange, at a premium, for the bonds proposed to be issued.

The condition of the public works, their general operation, and the receipts and expenditures for the past fiscal year, will be presented to you in the report of the Canal Commissioners.

The aggregate receipts at the Treasury from the public works, for the year ending November 30, 1855, were \$1,942,376 71. The aggregate expenditures, including ordinary and extraordinary payments, for the same period, amounted to \$1,838,791 18, showing an excess of receipts, over all expenditures, of \$103,585 53.

The extraordinary payments for the same year, (excluding \$133,100 00 paid for re-laying the south track of the Columbia railroad, and \$28,000 00 for re-building the Freeport aqueduct) were \$690,427 78. The ordinary expenditures were \$1,148,363 40.

|  |                |
|--|----------------|
| Aggregate receipts, as above stated, . . | \$1,942,376 71 |
| Ordinary expenditures, as above stated,  | 1,148,363 40   |

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|                                     |              |
|-------------------------------------|--------------|
| Net revenues for the fiscal year, . | \$794,013 31 |
|-------------------------------------|--------------|

This balance exhibits a small increase in the net revenues, as compared with the net revenues of 1854; and notwithstanding the withdrawal of the transportation lines from the main line of the canal, the aggregate revenues for the last year have exceeded the revenues of 1854 by more than twenty-three thousand dollars. From the abundant crops of the past year, the improved condition of the monetary affairs of the coun-

try and the general revival of business, a large increase in the revenues for the current year may be confidently expected.

The sum of \$161,125 25, has been paid into the Treasury by the Pennsylvania railroad company and other railroad companies, as the tax on tonnage passing over their roads. This amount largely exceeds the sum paid by the same companies in 1854.

The Delaware division exhibits a satisfactory result. The total receipts were \$392,673 42; expenditures, \$60,097 86; showing a net revenue of \$332,575 56. If all our lines of improvement exhibited a similar balance sheet, the people would have less cause of complaint and more confidence in the general operation of the system.

There has been a large increase in the business and tonnage of the Columbia railroad, and a corresponding increase in the receipts therefrom. The operations of this road for the past year have been highly satisfactory. The operations of that part of the main line from the Junction to Pittsburg, including the Portage railroad, do not present so favorable a result. The receipts have greatly diminished, and were not sufficient to meet the ordinary expenditures. The revenues from the main line do not equal the receipts of the previous years. The causes of this reduction are apparent, and some of them have been referred to and enumerated. It is but just to add that the expenditures on this line have been much diminished by the avoidance of some of the inclined planes on the Portage railroad.

I regret to inform you that the railroad to avoid the inclined planes on the Allegheny mountain has not been completed as was confidently anticipated. The delay in the completion of this work has occasioned much inconvenience to the business of the main line and a loss to the revenues of the Commonwealth. The expenditures have largely exceeded the original esti-

mates for its construction; and although the sum of \$277,730 00 was appropriated at the last session of the Legislature for the completion of this work—a sum covering the estimate of the engineer—yet after the expenditure of the whole amount thus appropriated, the road is unfinished; and to complete it, and pay the debts contracted, the further sum of \$177,573 66, as now estimated by the engineer, will be required. Either the estimates have been very carelessly made, or large sums of money uselessly and extravagantly expended in the prosecution of this improvement. As aiding the business of the main line, reducing still further its expenditures and relieving the Treasury from these constant demands, the announcement of its early completion will be hailed with pleasure by every citizen.

Although the completion of the North Branch canal, before the close of navigation, was certainly expected, yet this expectation has not been realized. The efforts of the present Superintendent, Mr. Maffit, during the past year, to complete and put in successful operation this canal, deserve the highest commendation. Everything that skill, energy and industry could accomplish has been done. The labor to be performed was great, and rendered more difficult and perplexing by the imperfect and fraudulent construction of the old work and some portion of the new. The large quantity of rocks, trees, stumps and roots placed in the bottom of the canal, and the defective material used in the embankments, suffered the water to escape almost as rapidly as admitted, and rendered a re-construction of the work, in many places, indispensably necessary. Its successful completion, it is hoped, will soon be announced.

It will appear by the report of the Committee of Ways and Means made to the House of Representatives in 1849, that the entire amount necessary to com-

plete and put in operation the unfinished portions of this canal was estimated at the sum of \$1,106,037 00. The amount actually expended on the work since that period, as appears from the reports of the Superintendent, Engineer and Canal Commissioners, is \$1,857,377 52, being an excess of expenditures over the original estimates of \$751,340 52; and the canal not yet in operation. With such facts before us—such evidence of mismanagement and reckless expenditure as the history of this canal shows, it is not matter of surprise that the Commonwealth and people are burdened with debt and taxation.

In pursuance of the act of the 8th of May last, providing for the sale of the main line of the public works, aftergiving the notice required by law, I caused the same to be exposed to public sale, at the Merchants' Exchange, in the city of Philadelphia. No offers were made and consequently the works remain unsold. Sealed proposals for the "sale or lease of the main line," were subsequently invited, as directed by the seventeenth section of the said act, and the proposals received are herewith submittd to the Legislature for their action and final disposition.

Having on a former occasion presented my views of the propriety and policy of a sale of this branch of our public improvements, a repetition of the sentiments then expressed becomes unnecessary. In relation to this subject my opinion has not changed. On the contrary the experience of the past, and a careful examination of the question in its economical and political relations, have strengthened and confirmed it. That the State should, long since, have been separated from the management and control of these works, the history of their construction and management clearly demonstrates. Public policy and public sentiment demand this separation; and every consideration of present and future interest requires their sale. The late



financial embarrassments of the country—the imperfect character of some of the provisions of the bill authorizing the sale, together with the adverse influence of rival interests, defeated the recent attempt to sell. These difficulties have been, or can be, removed; and a sale yet effected on terms amply protective of the rights and interests of the people, and at the same time just and liberal to the purchasers.

To reduce the State debt and relieve the people from taxation, are objects worthy the earnest and anxious consideration of the Legislature. To accomplish these objects speedily and certainly, a sale of the whole or part of our public improvements becomes important and necessary. The revenues of the State, under the present system of management of the public works, are but little more than sufficient to pay the interest of her debt, and the ordinary expenses of the government. A sale of these works, for a fair consideration, and upon terms just and liberal, would constitute a beginning in the process of liquidation that would free our Commonwealth from debt and her people from consequent taxation. In every measure calculated to produce these desirable results, I will cheerfully co-operate with the Legislature.

The currency of the State, in its relation to banking institutions, and their increase, is a subject that demands careful and intelligent consideration. From the notice given of numerous intended applications to the Legislature for new banks and an increase of banking capital, this subject will doubtless be presented to, and strongly urged upon your attention. Shall the number of banks and the amount of banking capital be increased? and if so, to what extent and in what localities? are questions of absorbing public interest.

Without desiring to assume a general and uncompromising hostility to all banks, or to an increase of banking capital, I cannot discover the necessity that

requires, or the circumstances that would justify the incorporation of all that may be demanded from the Legislature. The incorporation of new, or the re-charter of old and solvent banks, when indispensably necessary and clearly demanded by the actual business wants of the community in which they may be located, should not be refused; under no other circumstances should their incorporation be permitted.

The necessity for increasing the number of banks should be determined more by the actual wants of legitimate trade, than by the number of applications and the wild fancies of stockjobbers and speculators. The sudden and unnecessary expansion of the currency should be avoided, and whatever tends to produce such a result ought to be discountenanced and prevented. In the creation of banks the true interests of the State and people should be consulted; and a just and honest discrimination, as to number, locality and the demands of trade, be exercised by their representatives. Public sentiment does not demand, nor do public or private interests require, the creation of numerous banks.

In the present condition of the finances, and in aid of the revenues of the State, (in addition to the taxes now imposed by law) a reasonable premium should be required to be paid by all banks or savings institutions that may hereafter be chartered or re-chartered by the Legislature.

As appropriate to this subject, and intimately connected with it, I cannot forbear to express my disapprobation of a practice, that has heretofore obtained to some extent, of using the names of members of the Legislature as corporators in bills pending before them for the incorporation of banks and other companies. Such a practice is pernicious, and cannot be too strongly condemned. It perils the independence of the Legislator—exposes him to unjust suspicions, and

stamps with selfishness, at least, his legislative action in the premises. Legislation should be free, even from the appearance of improper motive; and every undue and corrupting influence, inside or outside the Legislative Halls, should be resisted and condemned.

It is a cause of more than ordinary congratulation, that agriculture, the first, as it is the noblest pursuit of man, has, in its progress of development, vindicated its own importance and assumed, in public esteem, the honorable position to which it is so justly entitled. Constituting, as it does, the substratum of our great mechanical, manufacturing and commercial interests, it should ever be regarded as the chief source of State and National prosperity. First in necessity, it is the highest in usefulness of all the departments of labor, sustaining and promoting, in their varied and multiplied relations, all the other industrial interests of the country. Our financial and commercial prosperity is largely dependent upon the success of agricultural industry.

An interest so important should receive the encouragement of all classes of society. No longer a mere art—an exertion of physical strength, it has reached the dignity of a science; and to its progress and improvement the people and their representatives should cheerfully contribute. State and county agricultural societies have done much to promote this cause, and through their agency much valuable information has been collected and diffused. Much yet remains to be done. More information is demanded. More efficiency in the collection and diffusion of useful knowledge is required. To secure this result, the establishment of an agricultural bureau, in connection with some of the departments of State, would largely contribute. The importance of such a bureau, properly organized, as an aid to the advancement of agricultural knowledge and the success of agricultural industry, cannot

easily be over-estimated. The subject is earnestly commended to your attention.

By an act of the last session, an institution designated as the "Farmers' High School of Pennsylvania" was incorporated. The charter was accepted by the trustees, and the institution duly organized. An eligible site for the college has been secured in Centre county, and two hundred acres of valuable and highly cultivated land donated to the trustees, for the use of the institution, by Gen. James Irvin, of that county. The citizens of the county, with a liberality highly commendable, have pledged and secured to the trustees, for the use of the college, ten thousand dollars in addition to the land donated. This liberality shows that the farmers of Pennsylvania fully appreciate the importance of such an institution, and will support and sustain it. The course of instruction will be thorough and practical. Scientific and practical agriculture, with the usual branches of academic education, will be taught, and the effort will be to make good farmers, good scholars and good citizens.

Whilst individual liberality and energy have done much and will do more for this institution, an appropriation by the State, in such sum as the Legislature may deem proper, would not only aid and encourage this laudable enterprise, but would be an honorable and just recognition of the important interests involved.

The laws now in operation, regulating manufacturing and other improvement companies, are in some of their provisions too severely restrictive, and should be modified. Legislation on these subjects has heretofore tended to restrain the investment of capital—check industry, and curb the energy of the people in the prosecution of those enterprises that aid the development of our immense resources, and contribute so largely to the wealth and prosperity of the State. Liberal and



judicious legislation—encouraging individual enterprise—inviting the investment of capital and stimulating the various departments of manufacturing and mechanical industry, would greatly promote the interests of the people—increase our revenues, and give to the Commonwealth that prominence and position, in the sisterhood of States, to which the character of her citizens and her illimitable natural resources justly entitle her.—To this subject your attention is invited.

The report of the Superintendent of Common Schools will exhibit to you their condition and the general operations of the system throughout the Commonwealth, during the past year. To the valuable and useful suggestions of the report, I would earnestly ask the attention of the Legislature.

The operation and results of the system as detailed are highly interesting. Our educational system is slowly, but surely, conquering the prejudices and gaining the confidence of the people. Under the fostering care of liberal and enlightened legislation its ultimate triumph is certain. When the system was first introduced, it was supposed that it could be perfected and forced into general and vigorous operation by the mere will of the Legislature. Experience has proven, that in this, as in every other great social and moral reform, time and that consent which arises from a radical change in the popular mind, were required. This slow process of the acclimation of the new system to our social and moral atmosphere, has been in operation for nearly twenty years; and it is now evident that the period for another effective interposition of legislative aid and authority in favor of our noble system of common schools, has arrived. In whatever form this obviously proper and necessary interposition may present itself, if calculated to promote the great purpose in view, it shall receive my cheerful support.

After a careful examination of the subject, it is my clear conviction that the system is now prepared for

and requires increased efficiency in its general supervision—increased qualification in its teachers, and increased means of support.

The experiment of the County Superintendency wherever faithfully carried out, has not disappointed the expectations of the advocates of that measure. The improved condition of the schools, and the greater efficiency of the system, clearly establish the propriety and utility of such supervision. The official visits of an officer of the school department to some of the counties of the State, in connection with the County Superintendency, have demonstrated that the voice of public authority to sustain, and the presence of an official agent to encourage, have largely contributed to excite and maintain the deep interest now felt by the public in our educational progress and improvement.

The most marked improvement recently effected in its corps of teachers. With almost unparalleled disinterestedness and devotion to the noble cause in which they are engaged, the common school teachers of the State, have in almost every county been using all the means and appliances within their power, for self improvement. These efforts, so creditable to them, have been highly beneficial in their results; and clearly prove the necessity, and point with unerring certainty to the establishment of State Normal schools. Teachers' meetings for a day have given place to institutes for a week; and these again to numerous Normal meetings continuing from one to three months. At every step in this progression, it has become more apparent that permanent institutions, with their proper professors and appliances, which nothing but the power of the State can provide, are demanded by, and would meet the wants of the system and the occasion.

In conceding this boon to our children, through their teachers, we are encouraged by the example of other countries, and the experience of the past. It is a re-

markable fact, that no State of our Union, no nation of the old world, has perfected its system of public instruction, without schools for the professional training of teachers, established and supported by the public authority and means; and it is no less remarkable, and still more encouraging, that no such institution has ever yet been abandoned. From Prussia, whose experience in this regard, is that of a century and a quarter, to that of our young sister Michigan, whose existence is as of yesterday, the Normal school has been tried throughout Christendom with unvarying success.

This result is in full harmony with the laws of mind and of human society. Teaching is a high and honorable profession; and no profession has more arduous and complex duties to perform—no one greater responsibilities to meet—and no one operates on, or with, such valuable and interesting material. The most thorough preparation is, therefore, requisite; and as the duties to be performed are not only responsible, but delicate, and may affect the social, political, moral or religious feelings and rights of the citizen, no source is so safe, no authority for their discharge so free from suspicion or bias, as the State. Teachers trained by the State, and representing the vitality of its republicanism, will be the firm support and sure guarantee of its republican equality.

It is time also that the teaching mind should resume its true place in the schools. In the communication of knowledge, to be effective, mind, in sympathetic contact, must act upon mind, and with living, speaking energy, leave its impress there. The Great Master himself thus trained the school which was to reform a world. But now the book has too much intruded itself between the teacher and the taught. The teacher has too much become the mere exponent of the printed page, and the mind of the learner the impressed copy of the text. In thus saying, the value and importance

of books, as a means of knowledge, are not intended to be overlooked or decried; but the uses of our best agencies have their limits; and when we find the book usurping the place of the teacher, to the injury of the mind of our youth, we should restore each to its proper position—require from each the performance of its appropriate functions, and thus confer upon both the full measure of their usefulness.

As an expedient to supply the place of regular Normal schools till established, and as a valuable auxiliary to them when in operation, the Teachers' Institute would be of unquestionable value. It would bring together the teachers of a county under the best influences, for consultation and improvement, and exhibit them before their fellow-citizens in their proper professional character. A portion of the means of the State, or of the respective counties, applicable to educational improvement, could not be more profitably applied, annually, in each county. An experiment of this kind recently made in the county of Chester, is said to have been eminently successful, and strongly indicative of the wisdom of the measure.

If, in addition to these, or similar measures, the Legislature should feel warranted—and the measure has all the sanction this executive document can give it—to make a large addition to the annual State appropriation to common schools, I believe that all will be done which the patriotism of the people's representatives can now effect; and I do not hesitate to express the opinion that the time has come for this prompt, full and decisive action. Let the integrity of the system, in its great purposes and objects, be maintained; and if changed, changed only to render it more efficient, and to increase its power for greater usefulness. Whatever else may distinguish your present session, it is hazarding little to predict, that more honor and benefit will result from the perfection of the common school system of education, than from any other exercise of your legislative powers.



The public schools of Philadelphia are deserving of special notice and approval. In their various gradations, from the primary up to the high school, they are models worthy of imitation; and their management and efficiency reflect great credit upon those to whom have been committed their supervision and control. It is to be regretted that these schools, so creditable to our great commercial and literary emporium, and so honorable to our Commonwealth, should find no place in the annual report of the Superintendent of Common Schools. As at present organized, these schools are independent of the State Superintendency, and do not report to the school department of the Commonwealth. As everything that relates to the operation of the common school system, and the condition of the public schools in the State, is important and interesting, the statistics of those schools should be furnished to the State Superintendent, that the same might be embodied in the annual report of the department. A modification of existing laws on this subject, so far as to require the controllers of the public schools of Philadelphia, to report to the school department, the number, grade and condition of their schools—the number of pupils, and generally such information in relation to their government as may be deemed useful to the cause of education, is respectfully recommended.

To improve the social, intellectual and moral condition of the people—reclaim the erring, and ameliorate human suffering are objects that commend themselves to the consideration of the philanthropist and the statesman. Our educational, charitable and reformatory institutions are justly the pride of the State honorable alike to the wisdom that devised and the liberality that founded and sustains them. They have strong claims upon the bounty of the people, and I cordially recommend them to your care and the liberality of the Commonwealth.

The State Lunatic Hospital, at Harrisburg, in its objects and results, merits our highest approbation. The just expectations of its projectors and founders have not been disappointed. Kindness and love, with their softening and subduing influence, constitute the rule of its government. Many of its former unfortunate inmates have been restored to reason, to friends and home, and the enjoyments of social life. Those that remain require our sympathy and aid. They should not be withheld. The report of the directors will exhibit, in detail, the operations of the institution.

The necessity and importance of providing additional accommodation for the insane of western Pennsylvania, have been strongly pressed upon my attention. The present accommodations are clearly insufficient, and these have been provided principally by the contributions of benevolent citizens. It is urged that the rapid advance of our population—the gloomy increase of the insane—and the inadequacy of the present asylums for their care and management, render it imperatively necessary that effective aid should be given to that portion of the State, for the establishment of a new and entirely distinct Western Insane Hospital, as a home to those of our fellow-citizens whose only alleviation is to be found in their own ignorance of the frightful malady with which they are burdened. The subject is worthy of calm and dispassionate inquiry. I will cheerfully co-operate with the Legislature, in all proper efforts, to accomplish this object.

Should you decline to act upon this subject, I would then recommend that an adequate appropriation be made to the Western Pennsylvania Hospital for the purpose of extending its accommodations for the care of the insane, as distinct as may be practicable from the other class of patients and inmates. The charter of this institution is liberal in its provisions, and comprehensive in the objects liable to be brought under its

care; embracing the insane, as well as the sick, helpless and infirm.

In this connection I would commend to your attention the Pennsylvania Training School for Idiotic and Feeble-Minded Children. The aid of the Commonwealth has heretofore been extended to this institution. It is a noble charity, and appeals to the best feelings of the heart. It deserves to share the bounty of the State.

The House of Refuge in Philadelphia, and the Western House of Refuge near Pittsburg, are institutions of great excellence, having for their object the reclaiming of wayward and erring youth—the employment of the idle—the instruction of the ignorant—the reformation of the vicious and depraved, and the relief of the wretched. They are schools, not prisons—homes, not places of punishment; they are a refuge to the neglected and outcast children and youth of our Commonwealth. The success of the past is a sure guarantee of their future usefulness. They should receive your aid and encouragement.

The “Blind” and the “Deaf and Dumb Asylums,” in Philadelphia, invite our sympathy, and ask to share the benefactions of the Commonwealth. They should not be disappointed. The blind, in their darkness—the dumb, in their silence—will cherish the gift, and bless the generous donor.

Legislation, in relation to all questions of moral and social reform, should be carefully and wisely considered and matured. On no subject, within the constitutional authority of the Legislature, are the people so sensitive; and no one more deeply interests every class and condition of society. Sumptuary laws, as a general rule, are of doubtful expediency; and as abridgements of the liberty and privileges of the citizen, can only be justified on the ground of necessity. Whilst this is admitted, it cannot be denied that the evils

resulting from intemperance, create a necessity for regulating and restraining by legislative acts, the traffic and sale of intoxicating liquors. To what extent this traffic should be restrained by positive law, must depend on the will of the people, determined by considerations of their own moral, physical and social welfare. Whatever may be my own opinion, or that of the Legislature or the people, in reference to the law of the last session "to restrain the sale of intoxicating liquors," it must be admitted that a full return to the license system, in operation prior to the passage of the present law, is not demanded by enlightened public sentiment, and would not promote the good order or happiness of the community. That the laws then in existence were imperfect and failed to check or control the evils of intemperance, is a proposition too plain to be doubted—that they needed revision must also be conceded. In our large cities and towns, the evils of the system were more severely felt. The facility and cheapness with which licenses were obtained, operated as a premium to vice and immorality, and multiplied tippling houses and places where intemperance, under the authority of law, was not only permitted, but encouraged. My immediate predecessor, in his last annual message to the Legislature, in reference to the then license laws, says: "So far as relates to the city of Philadelphia, they are peculiarly prejudicial to public morals, and seem to have been constructed to promote the convenience of drinking far more than to restrain its evil consequences." In this opinion I fully concur. That a remedy was demanded, all will concede. Whether the law of the last session was the proper remedy, it is not province now to determine. Enacted by the representatives of the people, I gave that act my official approval. Recognizing the people as the source of all political power, and their representatives as the immediate exponents of their will, upon



you will devolve the responsibility of further legislation, if any, on this subject. In all its relations, economical, political, social and moral, the question is important, and its proper determination involves fearful responsibilities. It deserves, and should receive, your serious consideration. If action is had, may we not hope that it will be such as will promote the virtue, morality and true interests of our people and Commonwealth.

Legislation, so far as practicable, should be general and uniform. Local and special legislation should not be encouraged, when the desired object can be obtained by general laws. Such legislation is not only local and special in its character, but frequently temporary—the act of one session being repealed by the act of the next, and perhaps replaced by one still more objectionable, which in turn, soon shares the fate of its predecessor. It crowds the statute book with useless and unnecessary laws—violates private rights—creates confusion and uncertainty—destroys uniformity of practice and decision—prolongs the sessions of the Legislature, and increases the public expenses. Our general laws regulating roads, highways and bridges, and providing for the support and employment of the poor, constitute a well digested system for the accomplishment of those objects; and yet, under the system of local legislation heretofore practiced, we frequently find in different townships of the same county, local laws regulating these subjects, not only differing materially from the general law, but from one another. Reform in this regard is required, and to this I respectfully ask your attention.

“Omnibus legislation” having been condemned and abandoned, should not be permitted again to sully the records of legislative action. It cannot receive my approval.

Numerous applications will doubtless be made for

the incorporation of insurance, gas, water and boom companies. To facilitate action on these questions—economise time—reduce the expenses of legislation—secure uniformity and confine the companies thereafter incorporated to the legitimate purpose of their creation, I would recommend the propriety of enacting general laws regulating such corporations. Already laws of this character for coal, iron, canal, railroad, turnpike, plank and bridge companies have been passed, and in practice have been found highly useful and economical. Such laws, well regulated and carefully guarded, would be productive of similar results in their application to insurance and the other companies named.

The propriety of limiting and restraining corporate bodies to the objects and purposes of their creation, will not be denied or controverted. In relation to the powers and privileges of insurance companies, this plain principle has been overlooked and disregarded. By successive acts of legislation, many of these institutions have acquired discounting privileges, and nearly all the powers of banks without their guards, restrictions and liabilities. This has been effected by the magic of some general provision in the act incorporating the company, or by reference to some forgotten supplement concealed in the folds of an "omnibus bill," or lost in the mazes of the pamphlet laws. General laws, whilst they would confer on such companies all the powers necessary to accomplish the objects of their incorporation, would at the same time prevent an extension of privileges foreign to such associations. This subject is commended to your consideration.

The jurisdiction of the courts in relation to real estate, trusts, the incorporation of literary, charitable and religious societies, manufacturing and other associations, has been greatly extended by recent legisla-

tion. This enlarged jurisdiction was conferred for the purpose of relieving the Legislature from the pressure of numerous applications for special legislation in the premises. The courts are, therefore, the proper tribunals to determine such questions; and in all cases where the subject matter is within their jurisdiction, the Legislature should refuse to entertain the application.

Divorces, unless in cases of extreme necessity and clearly beyond the jurisdiction of the courts, should not be granted by the Legislature.

By the act of the 16th of April, 1845, entitled "An Act to increase the revenues and diminish the legislative expenses of the Commonwealth," it was provided that thereafter no private bill, therein described and taxed, should be enrolled in the office of the Secretary of the Commonwealth, or published, or have the force and effect of law, until the party asking or requiring the same should pay into the Treasury of the Commonwealth the respective sums named in said act. A large number of acts passed by former Legislatures, and subject to this tax, remain in the office of the Secretary of the Commonwealth, the tax on them not having been paid. The number has been annually increasing, and will continue to increase, unless a summary remedy be afforded for the collection of the enrolment tax, or in default of its payment after a certain period, the acts themselves be repealed. The amount of enrolment tax now due the Commonwealth is large, and should have been paid long since. I would therefore recommend the passage of a law repealing all acts heretofore passed, subject to such tax, unless the tax be paid within one year thereafter; and further, to provide that all such acts hereafter passed, shall not have the force and effect of law, unless the taxes respectively due thereon be paid within six months after their approval. Such a law would secure the payment of these taxes,

increase the revenues, and at the same time check the demand for private acts designed to be used or abandoned, as the calculation of chances, or the loss or gain of the parties in interest might determine.

By a resolution of the Legislature, passed the 27th day of March, 1855, requiring the "New York and Erie railroad company to communicate to the Legislature of this Commonwealth, a statement, certified under oath by their president, setting forth what quantity of land said company now holds in Pennsylvania—its location—how much they have heretofore disposed of—its value—the value of what they now hold, and when the titles to said lands were acquired," it was made the duty of the Governor to transmit a copy of said resolution to the president of said company. A copy of the resolution was transmitted as directed; and the answer of the president of the company, communicating the information required, is herewith submitted to the Legislature.

By a resolution of the 26th day of April, 1855, I was requested to procure from the Attorney General, his opinion of the right of the State of New York to divert water from the natural bed and channel of the Chemung river, to the prejudice of the public improvements of Pennsylvania; the said river belonging to both States; and communicate the same to the Legislature. As requested, the opinion of the Attorney General has been obtained, and is herewith communicated to the Legislature.

On the sixth day of October last, I approved and signed the bill, entitled "An Act to repeal the charter of the Erie and North East railroad company, and to provide for the disposing of the same." In pursuance of its provisions, I appointed the Hon. Joseph Casey to take possession and have the charge and custody of the road. Before possession was taken, application was made by the company to one of the judges of



the Supreme Court of this Commonwealth for an injunction to restrain the agent of the State from taking possession of the road; and subsequently a cautionary order was made by the Supreme Court, in banc, to stay his proceedings under the act. The questions involved in the application for an injunction are now pending before that court, and will, it is expected, be determined early in the present month. The result will be made the subject of a special communication to the Legislature.

The recent fraudulent, if not felonious abstraction of a large quantity of arms from the arsenal at Harrisburg, has shown the necessity of additional legislation for the protection of the arms and other public property of the Commonwealth deposited in the arsenals of the State. The taking and sale of the public arms and property, without authority of law, by the keepers of the arsenals, or by others having them in charge, should be declared a felony, and punished with severity; and all persons purchasing or receiving the same, without proper authority, and knowing them to be the property of the Commonwealth, should be regarded as principals, and punished accordingly.

The bonds now required to be given by the Adjutant General and the keepers of the arsenals, for the faithful discharge of their duties, are insufficient in amount to secure the Commonwealth against loss from the fraudulent sale or taking of the property committed to their care. The sum in which these bonds are taken should be increased to an amount proportionate to the value of the property which is or may be deposited in the arsenals.

Since the sale of the arsenal in Philadelphia, the public arms in that city have been placed in a room or out-house procured for that purpose. As a depository, it is unsafe and insecure. Better provision should be made for their safe-keeping.

The sum of thirty thousand dollars, arising from the sale of the Philadelphia arsenal, is now in the Treasury, to be expended under the direction of the Governor, in the purchase of a suitable lot and the erection of a new arsenal. This sum is wholly insufficient for that purpose, and without additional appropriations, which are not recommended, this object cannot be accomplished. As arms and munitions of war can, when required, be transmitted with facility and rapidity, to distant parts of the State, the necessity for more than one arsenal no longer exists. If the arsenal at Meadville can be dispensed with without detriment to the public service, I would suggest for your consideration the propriety of authorizing its sale, and the sale of the one at Harrisburg, and with the funds arising therefrom, and the money in the Treasury applicable to that purpose, the erection of a large and commodious arsenal at Harrisburg, or elsewhere, as may be deemed most economical, safe and convenient.

The Legislature, at their last session, having failed to elect a Senator to represent this State in the Senate of the United States, for six years from the 4th of March last, it becomes your duty to provide for an election to supply such vacancy. By reference to the existing laws regulating the election of Senators to represent this State in the Senate of the United States, it will be perceived that their provisions do not embrace a case like the present.

Having, at the time of my induction into office, declared to my fellow-citizens and the representatives, my sentiments in relation to questions connected with our national politics, their reiteration now will not be expected. To the opinions then expressed, and now re-affirmed, you are respectfully referred.

To maintain in their integrity the Constitution of our Republic, and the Union of the States—protect the civil and religious privileges of the people—guard with

jealous care the general, great and essential principles of liberty and free government—of freedom and human rights—and vindicate by a true and single devotion to home and country, the great doctrine of American Nationality, are objects that awaken the patriotism and claim the energies and the heart of every American citizen.

In obedience to the requirements of the Constitution and laws of the State, as the representatives of the people, you have assembled to perform the high and responsible duties that devolve upon you. As a co-ordinate branch of the government, it will be alike my duty and pleasure, to unite with you in the enactment of all such laws as will protect the rights of the people, and advance the honor and prosperity of the Commonwealth.

With a sole desire for the public good—actuated by a spirit of enlarged and enlightened patriotism, and guided by that wisdom which hath its beginning in the fear of God, may our efforts, in harmonious action, be directed to the accomplishment of these objects, and to the promotion of that righteousness which exalteth a nation, and constitutes the true glory of a free and independent people.

JAMES POLLOCK.

Executive Chamber,

Harrisburg, January 1, 1856.

To the Assembly Vetoing "An Act to Regulate the Compensation of Members and Officers of this Legislature."

Executive Department,  
Harrisburg, Jan. 3, 1856.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 195, entitled "An Act to regulate the compensation of members and officers of the Legislature," with my objections to the same.

The provisions of this bill having, in totidem verbis, been introduced into the general appropriation bill of the last session of the Legislature, and having thus become a law, its approval now, even if the propriety of its passage, under any circumstances or at any time, could be admitted, becomes unnecessary. Disconnect- ed from the general appropriation bill, the provisions of this bill could not have received my sanction.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act for the Appointment and Election of Path-Masters in Buckingham Township, Wayne County, and for Other Purposes."

Executive Department,  
Harrisburg, Jan. 3, 1856.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 333, entitled "An Act for the appointment and election of path-masters in Buckingham township, Wayne county, and for other purposes," with my objections to the same.

Having in my annual message fully expressed by



disapprobation of special Legislation, it is unnecessary to reiterate my objections, except so far as they are applicable to this bill.

The acts of the Legislature, in relation to roads, highways, &c., passed at different periods, now form a perfect and uniform system applicable to the State generally, which has been found to be useful in its operation and productive of no injurious results.

The provisions of this bill would interrupt the harmonious action of the system, and being in direct contravention of the general law, there is no necessity in the case for special legislation, which the mere convenience of a particular locality could justify.

This bill does not abolish the office of supervisors of the highways, but adds twelve additional public officers, to be called "path-masters," who are to act in connection with, and in some respects subordinate to, the supervisors, and provides for their payment out of the money raised by taxation for roads and highways.

The system of road laws proposed would be complex and burthensome. The number of paid public officers would be multiplied, taxation would be increased, and I cannot believe that the general law now well understood and efficiently administered, would be in the least improved by the change contemplated in this bill, even if it were not objectionable as special legislation.

JAS. POLLOCK.

To the Senate Nominating E. Beatty to be Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, January 4, 1856.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, E. Beatty, Esq., of Cumberland county, to be Superintendent of Public Printing, agreeably to the provisions of the act of the 15th March, A. D. 1853, entitled "A further supplement to an act, entitled 'An Act to create permanently the office of State Printer.'"

JAS. POLLOCK.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 1, 1856.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Thomas S. Kirkbride, M. D., of Philadelphia; F. A. Muhlenberg, M. D., of Lancaster county; Hon. Frederick Watts, of Carlisle, to be trustees of the Pennsylvania State Lunatic Hospital, for three years from this date.

JAS. POLLOCK.

To the Senate Giving Notice of the Transmittal of  
Certain Resolutions Concerning Dr. Elisha Kent  
Kane.

Executive Department,  
Harrisburg, February 13, 1856.

Senators:—

**I**N ACCORDANCE WITH THE REQUEST OF THE  
Legislature, I forwarded to the Senate and House  
of Representatives of the United States; to Dr.  
Elisha Kent Kane, and to each of the officers engaged  
with him in the recent expedition to the Polar regions,  
copies of the resolutions passed by the Legislature and  
approved on the 25th of January last.

I herewith transmit copies of the correspondence  
between myself and Dr. Kane.

JAS. POLLOCK.

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To Elisha Kent Kane, M. D., Expressing the Appreciation of the Legislature of His Energy, Perseverance and Meritorious Conduct in the Late Polar Expedition.

Executive Chamber,  
Harrisburg, February 1, 1856.

Elisha Kent Kane, M. D.:

Sir:—

**T**HE LEGISLATURE OF YOUR NATIVE STATE, appreciating the humane and honorable motives which prompted your recent expedition to the Polar regions, and desirous of commemorating, by an appropriate and enduring testimonial their estimate of the energy, perseverance and meritorious conduct displayed by you and your gallant associates, have unanimously passed the accompanying resolutions, with a request that they should be transmitted to you.

In complying with the desire of the Legislature, I avail myself of the occasion to unite with that department of the Government in the expression of my admiration of the intrepidity and daring displayed by the expedition under your command; which, while adding so materially to the advancement of science and the enlargement of human knowledge, has also conferred an enviable distinction upon all engaged in it, and merits and receives your country's warmest gratitude.

I have the honor to remain,

Yours, truly,

JAS. POLLOCK.

REPLY OF DR. ELISHA KENT KANE.

Sir—I have had the gratification of receiving your letters of the 1st instant, conveying the thanks of the General Assembly of Pennsylvania to the officers and crew of the late expedition to the Polar regions.

It has been my happiness to acknowledge many expressions of public favor that have rewarded the labors of my gallant associates in that expedition; and I have been deeply impressed by the kind consideration which has extended itself to me as their representative; but nothing has touched me, or ever can touch me, so much as this generous recognition of our services on the part of my native State.

I thank you, Sir, most earnestly for the manner in which you have been pleased to signify your concurrence with the members of the Legislature in this tribute of honor, and pray you to convey to them the assurance of my deepest gratitude.

I have the honor to be, sir,

Your very obedient and faithful servant,

E. K. KANE,

Philadelphia, February 9th, 1856.



To the Assembly Vetoing "An Act to Authorize John N. Neuman to Borrow Money on the Security of a Church and Parsonage Buildings and a Lot of Ground."

Executive Chamber,  
Harrisburg, February 3, 1856.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 98, entitled "An act to authorize John N. Neuman to borrow money on the security of a church and parsonage buildings and lot of ground," with my objections to the same.

The bill does not set forth the facts requiring the interposition of the Legislature in this case; and it is entirely uncertain whether the title to the lot of ground, therein described, is vested in the said John N. Neuman or not; and if vested in him, whether in his own right or in trust for others—and if in trust it leaves us without information as to the nature and the character of the trust, and the person or persons beneficially interested in it.

If the property is held by John N. Neuman in his own right, then this legislation is unnecessary; if held by him in trust for others, or for religious, beneficial or charitable societies or associations, incorporated or unincorporated, the courts have full power and jurisdiction in the premises, and to them should his appeal be made. The second section of the act of 18th of April, 1853, contains general provisions authorizing the sale, mortgaging, leasing or conveying upon ground rent of real estate held in trust for minors, lunatics or habitual drunkards, or for religious, beneficial or charitable societies or associations, incorporated or unincorporated, upon the decree of the proper court, on the petition of the trustees and notice to the parties interested, whose rights are protected by directing security in all cases to be given by the trustee for

the faithful application of the proceeds, and by the further provision that the said proceeds shall be substituted for the trust estate, and be held on the same trusts and for the benefit of the same persons. In all cases, falling within the provisions of this act, special legislation is inexpedient and improper; and I cannot perceive anything in the present bill which requires an exception to be made in its favor.

If, however, the case was not provided for by general laws, and special legislation was proper under the circumstances, there are features in the present bill which are seriously objectionable. It provides that Mr. Neuman may mortgage the lot of ground therein mentioned, or create ground rent, charged thereon, and receive the proceeds, without giving any notice to or authorizing any interposition on the part of any cestui que trust, whose interests may be affected by the proceeding, without any restraint upon the exercise of his discretion in the amount to be raised, or in the application of the proceeds, without making him answerable to any court therefor, or requiring from him any security for the faithful appropriation of the moneys which may come into his hands by virtue of the powers proposed to be conferred upon him. This is a departure from the salutary restrictions embodied in all general laws containing provisions for the conversion of trust estates by trustees, and against all precedents in similar acts of Assembly, passed to provide for particular cases. The tendency of such legislation is injurious and the example dangerous. It cannot receive my sanction.

JAS. POLLOCK.

To the Assembly Vetoing "An Act Relative to Roads  
in the County of Berks."

Executive Department,  
Harrisburg, March 21, 1856.

Gentlemen:—

I RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill No. 311, entitled "An Act relative to roads in the county of Berks," with my objections to the same.

I had the honor to express to the Legislature my disapprobation of special legislation, in my annual message, generally, where it is possible to avoid it, and on the subject of such action, with reference to roads, highways and bridges, remarked as follows: "Our general laws regulating roads, highways and bridges, and providing for the support and employment of the poor constitute a well digested system for the accomplishment of those objects, and yet under the system of local legislation heretofore practiced, we frequently find in different townships of the same county, local laws regulating those subjects not only differing materially from the general law, but from one another. Reform in this regard is required; and to this I respectfully ask your attention."

Every section in this bill differs from the general laws in relation to roads and highways, and it is confined in its operation to the county of Berks. It is unnecessary to discuss the merits of the bill, or the changes in the general laws proposed to be made by its provisions. It is sufficient to say that it is local and special in its character—is an interruption of the harmony of a system of public and general laws, and a precedent for the future which cannot receive my approbation.

JAS. POLLOCK.

To the Senate Nominating Dr. John L. Atlee to be a Trustee for the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 12, 1856.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, Dr. John L. Atlee, of Lancaster, to be a trustee of the Pennsylvania State Lunatic hospital, for the unexpired term of Dr. F. A. Muhlenberg, resigned.

JAMES POLLOCK.

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To the Assembly Vetoing "A Supplement to the Act to Incorporate the Odd Fellows' Hall Association of Monroe County."

Executive Department,  
Harrisburg, April 12, 1856.

Gentlemen:—

**I RETURN TO THE SENATE, IN WHICH IT OR-**  
iginated, bill No. 756, entitled "A supplement to the act to incorporate the Odd Fellows hall association of Monroe county," with my objections to the same.

It is unnecessary to discuss the power of the Legislature to make the change proposed by this bill, or to inquire into the propriety or expediency of such legislation.

By the third section of the act of the 7th of May, 1855, the supplemental act extending the provisions of the original act vesting power to incorporate literary, charitable and religious societies in the courts, to beneficiary societies and associations, passed 18th April,



1838, was declared to embrace Odd Fellows, Free Masons and town hall associations; and by the act of the 18th of May, 1854, where charters of incorporation have been granted by the Legislature for a purpose, where authority to grant charters is or may be vested in the courts, it shall be lawful for such courts to alter, amend and improve the same upon like proceedings and with like effect, as if the original charter had been granted by the court.

Under these acts of Assembly, I am, therefore, of the opinion that if the change proposed by this act can be constitutionally made, the courts of the State have full power in the premises; and where the courts have jurisdiction, corporations should ask relief from them, and not from the Legislature.

I am, therefore, constrained to withhold my sanction from this bill.

JAMES POLLOCK.

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To the Assembly Vetoing "A Further Supplement to the Charter of the Borough of York."

Executive Department,  
Harrisburg, April 14, 1856.

Gentlemen:—

**I** RETURN TO THE SENATE IN WHICH IT ORIGINATED, bill No. 391, entitled "A further supplement to the charter of the borough of York," with my objections to the same.

The borough of York was chartered by an act of the General Assembly, on the 24th of September, 1787, and has been enlarged and changed by supplements passed at various times since. By the act of the 1st of April, 1834, the courts of quarter sessions of this Commonwealth were authorized and empowered to grant

charters of incorporation to boroughs within their respective jurisdictions, and by the fourth section of the act "upon the application in writing of two-thirds of the taxable inhabitants of any borough now incorporated, or that may hereafter be incorporated, to amend or alter the charter of the same."

On the 3d of April, 1851, the Legislature passed a general act for the regulation of boroughs, which by the act of the 27th of April, 1855, was made a supplement to the charter of the borough of York.

By the act of the 8th of May, 1854, power was vested in the courts to alter, amend and improve charters granted by the Legislature in the same manner and with like effect as if the charter had been originally granted by the court, and the extent of the power conferred on the courts of quarter sessions and its application to the borough of York, is relieved of all doubt by the act of the 7th May, 1855, the first section of which declares, "that where letters patent or charters of incorporation have been granted by the proprietaries and Governors of the Province of Pennsylvania and counties of New Castle, Kent and Sussex, on Delaware, or where charters have been granted previous to the adoption of the Constitution of 1790, where the authority to grant is or may be vested in the courts, it shall be lawful for such court to alter, amend and improve the same."

There can be no doubt that the court of quarter sessions of York county has full power to make all the alterations in the charter of the borough of York proposed in this bill, and where the courts have power, their jurisdiction on all questions affecting particular localities, should supersede the action of the Legislature.

The acts of the Legislature conferring jurisdiction on the courts to charter and alter and amend charters, prescribe the manner in which applications shall be

made for its exercise, and there would seem to be propriety and fairness in giving to the inhabitants of a borough an opportunity to be heard when amendment or alteration is proposed in their charter.

Special legislation in contravention of general laws, or when the courts have power, should not be encouraged. It prolongs the sessions of the Legislature, increases the public expenses, and justice is not always done to the people to be effected by it.

The law requires that two-thirds of the taxable inhabitants of a borough shall petition the court for the alteration in the charter, before the jurisdiction can be exercised, and the propriety of arresting the passage of this bill is the more apparent, from the fact that a majority of the taxable inhabitants of the borough of York, have remonstrated against it for reasons deemed satisfactory to themselves.

As this only affects a locality, the will of the majority of the people should be respected, and as all the parties interested can have a full and impartial hearing before the court of quarter sessions of York county, they should be referred to that tribunal for such amendment or alteration of their charter, as may be just and proper.

For these reasons I cannot give this bill my approval.

JAS. POLLOCK.

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To the Assembly Concerning the Location of the  
State Arsenal in Philadelphia.

Executive Department,  
Harrisburg, April 14, 1856.

Gentlemen:—

I HEREWITH TRANSMIT TO THE LEGISLATURE, an ordinance passed by the select and common councils of the city of Philadelphia, approved by the Mayor on the 7th of April inst., and officially

communicated to me, proposing to convey to the Commonwealth of Pennsylvania, a lot of ground on Filbert street, in that city, for the purpose of erecting a State Arsenal. The ground thus offered to the State is valuable, and its location most eligible for the purpose intended. The conditions of the grant are favorable to the State, and highly creditable to the municipal authorities of Philadelphia, evincing a liberality and public spirit worthy of all commendation. The necessity of a State Arsenal in that city is so apparent, that the subject needs no elaboration in this communication. Since the sale of the State Arsenal in Philadelphia, the public arms have been deposited in an old building or outhouse, unsafe and unfit as a depository for public property. The sum of \$30,000.00 realized from that sale, is now in the Treasury, and by the fifty-fifth section of an act passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordinary expenses of government," &c., the Governor was authorized to apply the same to the purchase of a lot of ground and to the erection of an arsenal thereon. This sum was found to be insufficient for these purposes, and consequently the object intended by the appropriation has not been accomplished. By the cession of this lot the State will be relieved from the expenditure of any money for the purchase of suitable grounds, and the entire sum of \$30,000.00 may be applied to the erection of the necessary buildings thereon, to which sum can be added, if deemed advisable, the amount that may be realized from the sale of the arsenals at Meadville and Harrisburg, as recommended in my annual message to the Legislature at the opening of the present session. These sums would be amply sufficient for the accomplishment of this desirable object.

I would therefore recommend the immediate passage of a bill by the Legislature, accepting the conveyance of said lot of ground from the city of Philadelphia, for



the purposes and upon the terms and conditions contained in the ordinance, and that the sum of thirty thousand dollars be appropriated for the erection of a State Arsenal thereon. The subject is worthy of your consideration, and is commended to your earliest attention.

JAS. POLLOCK.

#### DOCUMENTS.

To James Pollock, Esq., Governor of the State of Pennsylvania:

Dear Sir—At a meeting of the select and common councils of the city of Philadelphia, held on Thursday, April 3, 1856, the enclosed bill was passed, and approved by the Mayor, on the seventh day of April, 1856.

Attest:

JOHN M. RILEY,  
Clerk of Common Council.

An Ordinance to Provide for the Conveyance to the Commonwealth of a Lot of Ground for the Erection Thereupon of a State Arsenal.

Section 1. The select and common councils of the city of Philadelphia do ordain, that the mayor of the city be and he is hereby authorized to convey, in fee simple, under the seal of the corporation of the city of Philadelphia, to the Commonwealth of Pennsylvania, a certain lot of ground, situate on the south side of Filbert street, east side of Sixteenth street, and north side of Jones street, in the said city, containing in front, on said Filbert street, one hundred and eighty-two feet, and extending southward one hundred and six feet, to Jones street, immediately upon the enactment of a law by the General Assembly of the Commonwealth, by which the latter shall agree to accept the conveyance of the said lot of ground, for the exclusive purpose of erecting thereupon a State Arsenal, and by which the expenditure by the Commonwealth of a sum not less than thirty thousand dollars, in the erection of the said building shall be authorized, and by which the said Commonwealth shall also agree that all the arms, military stores and equipments now belonging to it in this city, shall be deposited in the said arsenal, when erected.

Section 2. If the said conveyance be made and accepted upon the terms herein set forth, the yearly rent charged on and re-

served out of the said lot of ground, shall be paid by the city of Philadelphia, as the same hereafter shall become due and payable; and a covenant to this effect, on the part of the city, is hereby directed to be inserted in the conveyance hereinafore mentioned, in case the same shall be made as herein provided.

WM. P. HACKER,  
President of Common Council.

JOHN P. VERREE,  
President of Select Council.

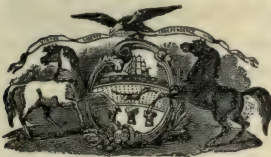
Approved, the seventh day of April, A. D. 1856.

R. T. CONRAD,  
Mayor.

### Proclamation of a Day of Thanksgiving.—1856.

Pennsylvania, ss:

[Signed] James Pollock.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JAMES POLLOCK, Governor of the said Commonwealth.

#### A PROCLAMATION.

Fellow Citizens:—



A public acknowledgment of the goodness of Almighty God, and of our constant dependence upon His providence is eminently becoming a free and enlightened people.

As the "Giver of every good and perfect gift He has crowned the past year with His goodness and caused our paths to drop with fatness." Our free institutions, our rights, and our privileges, civil and religious, have been continued and preserved. Science and art, with the great interests of Education, Morality and Religion, have been encouraged and advanced: Industry

in all its departments has been honored and rewarded and the general condition of the people improved.

Our Commonwealth has been greatly blessed—the ravages of disease and death, of famine and pestilence have not been permitted to come near us: Nor have the horrors of war disturbed the peaceful quiet of our homes. The earth has yielded her increase and richly rewarded the labor of the husbandman. Abundant prosperity, with smiling plenty and the blessings of health, have been ours.

Acknowledging, with Gratitude, these blessings of a kind Providence, let us “enter into His gate with thanksgiving and into His courts with praise! be thankful unto Him and bless His name.”

Deeply impressed with the importance and propriety of the duty and in accordance with the wishes of many good citizens, I, James Pollock, Governor of the Commonwealth of Pennsylvania do hereby recommend Thursday, the 20th day of November next as a day of General Thanksgiving and praise throughout this State; and earnestly implore the people that, abstaining from all worldly business and pursuits on that day they unite in offering thanks to Almighty God for His past goodness and mercy, and humbly beseech Him for a continuance of His blessings.

Given under my hand and the Great Seal of the State at Harrisburg, this 21st day of October, in the year of our Lord, one thousand eight hundred and fifty-six, and of the Commonwealth the eighty-first.

By the Governor,

A. G. Curtin,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1856.

Pennsylvania, ss:

[Signed] James Pollock.



I N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. JAMES POLLOCK,  
Governor of the said Com-  
monwealth.

A PROCLAMATION.



Whereas in and by An act of the General Assembly of this Commonwealth passed the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor on Returns of the Election of the members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons so returned as elected in the respective Districts. And Whereas, The returns of the General Election held on Tuesday the Fourteenth day of October last in and for the Several Districts for Members to serve in the House of Representatives of the Congress of the United States for the Term of Two years from and after the Fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act whereby it appears that in the First District, composed of Southwark, Moyamensing, Passunk, in the County of Philadelphia, and Cedar, Lombard and New Market Wards in the City of Philadel-



phia, Thomas B. Florence has been duly elected. In the Second District, composed of the City of Philadelphia, excepting the before mentioned wards, Edward Joy Morris has been duly elected. In the Third District, composed of Kensington and the Northern Liberties of the County of Philadelphia, James Landy has been duly elected. In the Fourth District, composed of Spring Garden, Penn District, North Penn, Kingessing, West Philadelphia, Blockley, Richmond unincorporated Northern Liberties, Bridesburg and Aramingo in the County of Philadelphia, Henry M. Philips has been duly elected. In the Fifth District, composed of Montgomery County and Bristol township, Upper and Lower Germantown, Upper and Lower Manayunk, Frankford, Roxborough, Byberry, Lower Dublin, White Hall, Oxford and Mooreland in the County of Philadelphia, Owen Jones has been duly elected. In the Sixth District, composed of the Counties of Chester and Delaware, John Hickman has been duly elected. In the Seventh District, composed of the Counties of Bucks and Lehigh, Henry Chapman has been duly elected. In the Eighth District, composed of the county of Berks, J. Glancy Jones has been duly elected. In the Ninth District, composed of the County of Lancaster, Anthony E. Roberts has been duly elected. In the Tenth District, composed of the Counties of Lebanon, Dauphin and Union, and the Township of Lower Mahanoy in the County of Northumberland, John C. Kunkel has been duly elected. In the Eleventh District, composed of the Counties of Schuylkill and Northumberland except Lower Mahanoy township, William L. Dewart has been duly elected. In the Twelfth District, composed of the County of Montour, Columbia, Luzerne and Wyoming, John G. Montgomery has been duly elected. In the Thirteenth District, composed of the Counties of Northampton, Monroe, Carbon, Pike and Wayne, William H. Dimmick

has been duly Elected. In the Fourteenth District, composed of the Counties of Susquehanna, Bradford and Tioga, Galusha A. Grow has been duly elected. In the Fifteenth District, composed of the Counties of Sullivan, Lycoming Centre, Clinton, Mifflin and Potter, Allison White has been duly elected. In the Sixteenth District, composed of the Counties of York, Cumberland and Perry, John A. Ahl, has been duly elected in the Seventeenth District, composed of the Counties of Adams, Franklin, Fulton, Bedford and Juniata, Wilson Reilly has been duly elected. In the Eighteenth District, composed of the Counties of Somerset, Cambria, Blair and Huntingdon, John R. Edie has been duly elected. In the Nineteenth District, composed of the Counties of Westmoreland, Armstrong and Indiana, John Covode has been duly elected. In the Twentieth District, composed of the Counties of Fayette, Greene and Washington, William Montgomery has been duly elected. In the Twenty-First District, composed of the County of Allegheny, except that part which lies North East of the Ohio and North West of the Allegheny, David Ritchie has been duly elected, in the Twenty-second District, composed of Butler County, and that part of Allegheny County not included in the Twenty-first District, Samuel A. Purviance has been duly elected. In the Twenty-third District, composed of the Counties of Beaver, Lawrence and Mercer, William Stewart has been duly elected. In the Twenty-fourth District, composed of the Counties of Venango, Warren, McKean, Clearfield, Jefferson, Forest, Elk and Clarion, James L. Gillis has been duly elected. In the Twenty-Fifth District, composed of the Counties of Erie and Crawford, John Dick has been duly elected. Now therefore, I have issued this Proclamation hereby publishing and declaring That Thomas B. Florence, Edward Joy Morris,

Jas. Landy, Henry M. Philips, Owen Jones, John Hickman, Henry Chapman, J. Glancy Jones, Anthony E. Roberts, John C. Kunkel, William L. Dewart, Jno. G. Montgomery, William H. Dimmick, Galusha A. Grow, Allison White, John A. Ahl, Wilson Reilly, John R. Edie, John Covode, William Montgomery, David Ritchie, Samuel A. Purviance, William Stewart, Jas. L. Gillis and John Dick have been returned as duly elected in their several Districts before mentioned as Representatives in the Congress of the United States for the Term of Two Years to commence from and after the Fourth day of March next.

Given under my hand and the Great Seal of the State at Harrisburg, this Eleventh day of November in the Year of our Lord one thousand eight hundred and fifty-six and of the Commonwealth the Eighty-first.

By the Governor,

A. G. Curtin,

Secretary of the Commonwealth.

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### Annual Message to the Assembly.—1857.

Fellow Citizens:—

**I**N OBEDIENCE TO THE CONSTITUTION AND laws of this Commonwealth, you have assembled to discharge the important and responsible duties that devolve upon you. To protect the rights and privileges of the people, advance their interests, and promote the welfare and prosperity of the State, should be the aim and end of all your legislation. In the discharge of my duties, it will be a pleasure to co-operate with you in the accomplishment of these objects.

The past year has been one of unusual prosperity. The bounties of a kind Providence have not been withheld from our Commonwealth. A plenteous harvest

has rewarded the labor of the husbandman. Honorable industry, in all its departments, has been encouraged. No financial embarrassments—no commercial distress—no political or social evils, have interrupted the progress, or checked the energies of the people. The great interests of education, morality and religion, have been cherished and sustained. Health and peace, with their attendant blessings, have been ours. To Him “who rules the Nations by his power, and from whom cometh down every good and perfect gift,” are we indebted for these mercies, and to Him should be given the homage of our devout gratitude and praise.

The financial condition of the Commonwealth is highly satisfactory. Every demand upon the Treasury has been promptly met and paid, without the aid of loans. The operations of this department will be exhibited in detail in the report of the State Treasurer.

For the fiscal year ending November 30, 1856, the receipts at the Treasury (including the balance in the Treasury on the first day of December, 1855, of \$1,243,697.33) have been \$6,621,937.64. The total expenditures for the same period, were \$5,377,142.22. Balance in the Treasury, December 1, 1856, \$1,244,795.42.

Excluding the balance in the Treasury on the first of December, 1855, the receipts, from all sources, were \$5,378,240.33. The ordinary expenditures for the same period, were \$4,113,144.77, showing an excess of receipts over ordinary expenditures of \$1,265,095.56.

The extraordinary payments for the same year, were \$1,263,997.45, as follows, viz: To the completion of the Portage railroad, and for the payment of debts previously contracted on that work, \$181,494.11; to the North Branch Extension, \$122,723.52; to re-lay the south track of the Columbia railroad, \$267,000.00; for motive power in 1855, \$118,049.42; to enlarge the Delaware division of the Pennsylvania canal, \$13,960.00; for



general repairs in 1853-'54-55, \$63,965.11; to domestic creditors, \$151.63; to old claims on the main line, examined by the commissioners, and paid under the act of May 22, 1856, \$130,512.09; to the redemption of loans, \$327,824.47; and relief notes cancelled, \$38,217.00.

The interest on the funded debt which fell due in February and August last, was then paid, and that which becomes due in February next, will be paid with equal promptness, out of available means now in the Treasury. The punctuality with which the interest on the public debt has been paid, and the ability of the Treasury to meet all legitimate demands upon it, have inspired public confidence in our securities, and contributed largely to establish and sustain the credit of the Commonwealth.

The Commissioners of the Sinking Fund report the sum of \$722,432.93 as due by the Treasury to that fund. This amount will be applied to the redemption of relief notes now in circulation, and to the payment of the funded debt. Heretofore the available means in the Treasury have been applied, to some extent, in payment of outstanding temporary loans, which bear an annual interest of six per centum; it being deemed advisable as a matter of economy to pay these loans, rather than the funded debt, which bears a much less rate of interest. It is expected that the balance of the temporary loans will be paid before the close of the current year, and the operation of the sinking fund resumed and continued as directed by law.

The funded and unfunded debt of the State, including temporary loans, on the first day of December, 1855, as per reports of the Auditor General and State Treasurer, was as follows, viz:

#### Funded Debt.

|                         |               |
|-------------------------|---------------|
| 6 per cent. loan, ..... | \$516,154 93  |
| 5 ...do.....do. ....    | 38,903,445 04 |

|                      |            |
|----------------------|------------|
| 4½...do.....do. .... | 388,200 00 |
| 4 ...do.....do. .... | 100,000 00 |

---

Total funded debt, ..... \$39,907,799 97

#### Unfunded Debt.

|   |              |
|---|--------------|
| Relief notes in circulation, .....            | \$258,773 00 |
| Interest certificates outstanding, .....      | 29,157 25    |
| Domestic creditors, .....                     | 1,264 00     |
| Balance of temporary loan, April 19, 1853, .. | 525,000 00   |
| Balance of temporary loan, May 9, 1854, ..... | 346,000 00   |

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Total unfunded debt, ..... 1,160,194 25

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Total debt, December 1, 1855, .. \$41,067,994 22

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The funded and unfunded debt at the close of the last fiscal year, December 1, 1856, was as follows, viz:

|                         |               |
|-------------------------|---------------|
| 6 per cent. loan, ..... | \$511,781 00  |
| 5 ...do.....do. ....    | 38,866,994 50 |
| 4½...do.....do. ....    | 388,200 00    |
| 4 ...do.....do. ....    | 100,000 00    |

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Total funded debt, ..... \$39,866,975 50

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#### Unfunded Debt, Viz:

|  |              |
|--|--------------|
| Relief notes in circulation, .....       | \$220,556 00 |
| Interest certificates outstanding, ..... | 24,691 37    |

|                                     |              |       |
|-------------------------------------|--------------|-------|
| Interest certificates un-           |              |       |
| claimed, .....                      | 4,448        | 38    |
| Domestic creditors, .....           | 1,164        | 00    |
| Balance of temporary                |              |       |
| loan, April 19, 1853, ...           | 400,000      | 00    |
| Balance of temporary                |              |       |
| loan, May 9, 1854, ....             | 184,000      | 00    |
|                                     |              | <hr/> |
| Total unfunded debt, .....          | 834,859      | 75    |
|                                     |              | <hr/> |
| Total debt, December 1, 1856, ...   | \$40,701,835 | 25    |
|                                     |              | <hr/> |
| Total debt, December 1, 1855, ..... | \$41,067,994 | 22    |
| do. ....do....1, 1855, .....        | 40,701,835   | 25    |
|                                     |              | <hr/> |
| Decrease, .....                     | \$366,158    | 97    |
|                                     |              | <hr/> |

It thus appears that during the past fiscal year the sum of three hundred and sixty-six thousand one hundred and fifty-eight dollars and ninety-seven cents has been paid in liquidation of the public debt. This, taken in connection with the fact, that during the year ending November 30, 1855, six hundred and thirty thousand six hundred and one dollars and two cents were paid on the same account, exhibits the gratifying fact, that the process of reducing the public debt has commenced; and, unless checked by reckless mismanagement and extravagant expenditure, must continue until the people and the Commonwealth are relieved from the debt and taxation with which they are burdened. In addition to this reduction of the public debt, large appropriations and payments were made for the completion of the Portage railroad and for debts previously contracted on that work; for old and unsettled claims recently adjusted by the commissioners appointed under the act of last session; for re-laying the

south track of the Columbia railroad; for enlarging the Delaware division of the canal, and for other purposes. These extraordinary demands upon the Treasury have ceased, or will soon cease, with the necessity that created them; and thus leave a still larger portion of the revenues to be applied in payment of the public debt.

A careful examination of the financial condition of the Commonwealth—her sources of revenue and the probable future expenditures, has inspired the hope that the time is not far distant when the public debt will be fully paid, and this without increasing the subjects or ratio of taxation. It has already been shown that the revenues of the past year exceeded the ordinary expenditures one million two hundred and sixty-five thousand ninety-five dollars and fifty-six cents. The estimated receipts and expenditures for the current year, which will be presented to you in the report of the State Treasurer, show that the excess of receipts, over ordinary expenditures, may reach the sum of one and a half million of dollars. These estimates, although approximations, will not be far from the true result. Allowing, then, four hundred thousand dollars for annual extraordinary expenditures—and under a wise system of economy in no probable contingency can they exceed that sum—we will have at least one million of dollars to be appropriated annually for the payment of the public debt. With the rapid development of the wealth and resources of the Commonwealth—the increase of population—of the value of real estate, and of the amount and value of property of every description, the revenues must and will continue to increase. This natural and necessary increase of revenue will supply every deficiency and every demand upon the Treasury that falls within the range of probability. If, then, the sum of one million dollars be appropriated annually in liquidation of this



debt, and the accruing interest on the sums be applied in the manner of a sinking fund, the entire indebtedness of the Commonwealth will be extinguished in less than twenty-three years. If these premises are correct—and their correctness can only be impaired by unwise legislation, or the imprudent management of our finances—the truth of the proposition is susceptible of the clearest demonstration. Assuming the public debt on the first day of December, 1856, to be, in round numbers, forty millions five hundred thousand dollars, and that at the end of each fiscal year one million dollars, with the accruing interests on former payments, will be paid, unerring calculation will determine the result to be as before indicated. Thus, before the expiration of the year 1879, Pennsylvania may stand redeemed from the oppression of her public debt, and her people be released from a taxation imposed to meet its accruing interest, and to maintain the faith and credit of the Commonwealth. These views are not utopian. By practicing strict economy in all departments of the government—avoiding extravagant expenditure—refusing to undertake any new schemes of internal improvement, and holding to a rigid accountability the receiving and disbursing agents of the State, their realization may be anticipated with confidence.

I must again call the attention of the Legislature to a subject referred to in my last annual message, in the following terms:

“By the thirty-eighth section of the act of the 16th of April, 1845, entitled ‘An Act to provide for the ordinary expenses of Government, the repair of the canals and railroads of the State, and other claims upon the Commonwealth,’ the Governor was authorized to cause certificates of State stock to be issued to all persons or bodies corporate holding certificates for the payment of interest on the funded debt of the

State, which fell due on the first day of August, 1842, the first days of February and August, 1843, and the first days of February and August, 1844, in an amount equal to the amount of certificates so held, upon their delivering up said certificates to the Auditor General. In pursuance of the authority thus given, certificates of State stock to the amount of four millions one hundred and five thousand, one hundred and fifty dollars and twenty cents, bearing interest at the rate of five per cent. per annum, payable semi-annually, on the first days of February and August in each year, and redeemable on or after the first day of August, 1855, were issued. The minimum period fixed by law for the redemption of these certificates, expired on the first day of August, 1855. No provision has been made for their renewal or redemption.

“Although by the terms of the act authorizing these certificates of State stock, as also by the conditions of the certificates issued in pursuance thereof, the time of payment, after the expiration of the minimum period, is optional with the debtor, the Commonwealth, yet a due regard for the credit of the State requires that provision should be made for their renewal or redemption. To redeem these certificates, a loan would become necessary, and as a loan cannot be effected, in the present financial condition of the country, on terms more favorable to the State than those on which these certificates were issued, I would recommend that authority be given to issue the bonds of the Commonwealth in renewal of said certificates, bearing interest at the rate of five per cent. per annum, payable semi-annually, and redeemable on or after the expiration of twenty years; and that the bonds be issued with coupons or certificates of interest attached, in sums equal in amount to the semi-annual interest thereon, payable on the first day of February and August in each and every year, at such place as may be desig-

nated. This change in the form and character of the certificates, it is believed, will be so advantageous to the holders, without increasing the liabilities of the Commonwealth, as to induce a willing and prompt exchange, at a premium for the bonds proposed to be issued."

The report of the Canal Commissioners will be laid before you, and will exhibit in detail the condition of the public works—their general operation, and the receipts and expenditures for the past fiscal year.

The total receipts at the Treasury, from the public works, for the year ending November 30, 1856, were \$2,006,015.66, being an increase over the revenues of the previous year, of \$63,638.95. Of this sum \$1,013,589.16 were canal and bridge tolls, and \$992,426.50, tolls of the Columbia and Portage railroads.

The aggregate expenditures for the same year were \$1,943,896.82, being an increase over those of the previous year, of \$105,105.64, the revenues exceeding the expenditures only \$62,118.84.

The increase of the revenues from these works would be encouraging, were it not for the fact that the expenditures have increased in a still greater proportion—the expenditures, ordinary and extraordinary, exhausting almost the entire revenue from this source. The system must be defective, or more care and economy should be exercised in its management.

The receipts at the Treasury from the several divisions, were as follows, viz:

|   |                |
|---|----------------|
| Main line, .....                                    | \$1,229,272 86 |
| Susquehanna, North Branch and West<br>Branch, ..... | 426,820 51     |
| Delaware, .....                                     | 349,922 29     |

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|                       |                |
|-----------------------|----------------|
| Total receipts, ..... | \$2,006,015 66 |
|-----------------------|----------------|

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The extraordinary payments during the year,

amounted to \$808,892.16; ordinary expenditures, \$1,135,004.00; net revenue, (excluding extraordinary payments and for motive power) \$871,011.00.

On the main line the tolls received at the Treasury from the Columbia road, were \$991,676.50; expenditures \$528,084.86; tolls on the Eastern division of canal, from Columbia to the Junction, \$119,718.36; expenditures, \$53,048.50; receipts from the Junction to Pittsburgh, including the Portage railroad, \$117,778.00; ordinary expenditures, \$304,702.22. The total receipts on the main line were \$1,229,272.86; aggregate expenditures, (excluding \$267,000.00 paid for re-laying the south track of the Columbia railroad, and \$153,049.42 for motive power in 1855, and after December 1st, 1856,) were \$885,835.65, being an excess of revenue over ordinary expenditures of \$343,437.21.

Although the receipts from the Delaware division are less than those of the previous year, yet the general result of its operations is satisfactory. The net revenue at the Treasury was \$264,095.40. Its management has been characterized by a degree of economy too seldom practiced on some of the lines of our improvements.

However important this division may be to the trade and business of that portion of the State, its proposed enlargement should not be undertaken, unless demanded by reasons of over-ruling necessity. The experience of the past, as connected with the Allegheny Portage railroad, and the North Branch extension, should warn us against undertaking, without great caution, any new measure of improvement, which may drain the Treasury, without aiding materially, if at all, the public interests. If kept in good order by efficient and timely repairs, its capacity will be fully equal to all the demands of its trade and business.

The Portage railroad is not fully completed. A small additional appropriation may yet be required to



complete, for the fourth time, this road. It is anxiously hoped that this unproductive improvement may soon cease its cormorant demands upon the Treasury. Every year's experience more clearly reveals the impolicy of the State in undertaking this work.

It gives me no ordinary pleasure to inform you that the North Branch extension of the Pennsylvania canal has been so far completed, that boats freighted with coal and other products, were successfully passed through its entire length from Pittston to the Junction canal. This work was commenced in 1836—suspended in 1841—resumed in 1849, and finished in 1856; although its completion was officially announced in 1853. It extends from Pittston to the New York State line, a distance of about ninety-four miles, following the valley of the Susquehanna to Athens, and thence along the Chemung river to the State line, where it joins the Junction canal,” and is thus connected with the New York improvements.

The importance and value of this improvement cannot easily be over-estimated. Passing through one of the richest mineral and agricultural portions of the State, it offers to the immense and valuable products of that region, a safe and cheap transit to the markets of New York, Baltimore, and Philadelphia. In the completion of this canal the difficulties to be overcome, and the labor to be performed, were great. Both these, to a great extent, have been accomplished under the superintendency of Wm. R. Maffit, Esq., to whom this work was assigned.

This canal although completed, and before the close of navigation, used for the purpose of transportation, is not perfect. Sinks in the bottom, from the nature of the formation and soils through which it passes, slides from the hills, and breaches may occur, but these after a few years of well applied labor, will be diminished, and by vigilance and care entirely prevented.

This improvement, although subject to the rivalry of competing railroads, if kept in good condition, under proper management, will receive its full share of coal and other tonnage. It is anticipated that the revenues for the current year, will equal, if not exceed the expenditures; and increasing with the facilities afforded, and the rapid development of trade, will, instead of its heretofore unceasing demands upon the Treasury, take precedence in revenue over any canal in the Commonwealth.

In relation to the propriety and policy of the sale of the main line of our public improvements, my opinion has not changed. Every consideration of public policy, of present and future interest, requires the separation of the State from the management and control of these works. The expenditures on that portion of the line, between the Junction and Pittsburg, largely exceed the revenues, the excess averaging annually not less than one hundred and fifty thousand dollars; and causes are in constant operation that will still more increase this deficiency. This continual drain upon the Treasury, to sustain a work, so unproductive, should at once be checked. A sale of the main line, for a fair consideration, and upon terms just and liberal to the purchasers, is the proper remedy. Such sale, on terms amply protective of the rights and interests of the people, can, by proper legislation, be effected. In connection with the payment of the public debt, this question become deeply important. The sale would constitute a new era in the financial history of the State, and assure a still more speedy reduction of the public debt, than that to which reference has been made. The subject is earnestly commended to your favorable consideration.

The subject of banks and banking capital in its relations to the currency—the general interests of trade and commerce and the industrial pursuits of the citi-

zen, deserve your careful attention. My views expressed in a former communication remain unchanged. The incorporation of new, or the re-charter of old and solvent banks, when actually necessary, and demanded by the wants of legitimate trade in the community where located, should be favored; under no other circumstances should either be permitted. In the creation of banks, the interests of the State and people should be consulted, and a just discrimination as to number, locality and the demands of trade be exercised.

The rapid increase of population, the importance and value of our home and foreign commerce, the constant development of the material wealth of the State, the extent of our manufacturing, mechanical and agricultural industry, the fact that the State is flooded by a depreciated currency introduced by private bankers and brokers, might justify, under the restrictions and limitations indicated, a judicious increase of banking capital within our Commonwealth. This, whilst it would aid the operations of trade, and supply the real business wants of the people, would, at the same time, remedy, to some extent, the evils of a depreciated foreign and illegal currency.

By the approved the 6th day of November last, the thirtieth section of the act of 1850, regulating banks, will be, after the first day of July next, extended to all incorporated saving fund, trust and insurance companies.—That section declares “that it shall not be lawful for any of the said banks to issue or pay out any bank notes than those issued by itself, payable on demand in gold or silver; notes of specie paying banks of this State which are taken on deposit or in payment of debts, at par, at the counter of the bank where paid out; or notes of banks issued under the authority of the act of the 4th of May, 1841, at the option of the person receiving the same.”

These enactments were intended to protect the community against the evils of a depreciated currency, and prevent its introduction from other States.—However well intended they will fail to secure these objects, unless made to embrace private bankers and others of that class, whose profits are largely dependant upon the introduction into the State of such a currency. In many instances the notes of our own banks are collected by private bankers and brokers, and with these, or with the specie withdrawn from the banks issuing them, they purchase depreciated and foreign bank paper which is paid out at par at their counters. By others large loans are negotiated with banks out of the State, at less than the usual rate of interest, and their notes, often of a less denomination than five dollars, and always at a discount, brought into the State and paid into circulation in the manner indicated, and this, too, under an agreement with the bank making the loan, that the notes thus paid out shall be kept in circulation. The effect of this system of private banking has been to limit the circulation of the par paper of our own banks, and substitute in its place a foreign depreciated, and often a worthless currency. In justice to the bank, trust and insurance companies, paying a heavy annual tax to the Commonwealth for their privileges, and for the protection of the people against these evils, either the provisions of the thirtieth section of the act of 1850, should be repealed, or further extended so as to embrace private individuals and associations, who may monopolize and control, to the detriment of the public, this traffic in depreciated bank paper, without restraint and without taxation.

The report of the Superintendent of Common Schools, will exhibit to you the number and condition of the schools—the number of teachers and scholars, and the general operations of the system during the past year. To the valuable statistical information of



the report, and the useful suggestions for the improvement of the system, I invite your early and intelligent consideration.

From a small and comparatively unimportant incident of the State Department, the care and management of the public schools of the Commonwealth, with their seventeen hundred districts, ten thousand directors, twelve thousand teachers, and over five hundred thousand scholars, have become the most important and laborious branch of that Department. The increased and increasing business of the system has been met by a correspondent increase of zeal, labor and efficiency in the officers to whom the law has committed its general direction and supervision. They should be sustained by wise and generous legislation. The magnitude and importance of the system, in its political, social and moral relations to the present and future of the people, require that this should be done. The guardianship of the mind of the State should occupy a distinct and prominent place among the noble institutions of the Commonwealth. It should receive the efficient aid and encouragement of the government, and be sustained by a virtuous and intelligent people. If the revenue and treasuries of the State—her public improvements—her lands and their titles, require and deserve the marked and distinctive care of the government, how much more should her mental and intellectual treasures, richer than gold—the social and moral improvement of her people, more valuable than canals and railways—the titles of her youth to the boundless fields of knowledge, higher than any of earth or caught growing out of its ownership, claim an honorable position, and receive a care and aid commensurate with their greater value and usefulness.

The County Superintendency, wherever it has been committed to faithful and efficient men, has fully vindicated the wisdom and policy of that measure. It is

slowly, but surely removing the prejudices and gaining the confidence of the people. Whatever defects time and experience may develop, in this or any other branch of the system, should be promptly corrected. But until the necessity for change is established, the system, in its unity and integrity, should be maintained; and if changed, changed only to render more certain the accomplishment of its noble purposes and objects.

A sufficient number of competent and well trained teachers is the great want of the system. In its structure and organization it is as perfect, if not more so, than any of the systems of our sister States. But the teacher is wanted to give it proper vitality and efficiency—to develop its true force and value—to secure the great object of its creation, the thorough education of the youth of the Commonwealth. How can this want be supplied? How are teachers to be trained and provided to meet this educational demand? Must we be dependent upon the training schools of other States? Must our system be jeopardized, and its success perilled, by waiting the slow and unaided efforts of voluntary associations to furnish the much needed teacher? Voluntary associations of common school teachers have accomplished much in their disinterested and noble efforts to remedy this defect. They are worthy the highest commendation—they deserve every encouragement. They can and will do more; but unaided they cannot accomplish the object desired. The Legislature must provide the remedy—they can supply the deficiency. It should be done promptly and effectually. No subject of greater interest can occupy your attention as legislators—no one appeals more earnestly to duty and patriotism.

In a former communication to the Legislature the establishment of State Normal schools, for the education of teachers, was urged as indispensably necessary

to the perfection of the system. With full confidence in their utility and necessity, I again recommend them. These institutions, with their proper professors, and appliances, supported by the State, would meet the wants and elevate the character of our common schools.

Teachers' Institutes, as auxiliary to Normal Schools, when in operation, and supplying their place till established, should be aided by the State. One such institute in each county, meeting annually, under the fostering care of the government, would be productive of most beneficial results. Whilst it would improve teachers and prepare them for their important and responsible duties, it would elevate and dignify a profession too long neglected and under-valued by those most deeply interested in their honorable labors. These measures, as also in addition to the annual State appropriation for common schools, in an amount limited only by the necessities of the Treasury, would give energy to the system—increase its efficiency—and thus promote the true interests of the people and the Commonwealth.

Our educational, charitable and reformatory institutions have strong claims upon the bounty of the people, and I cordially commend them to your care and liberality.

The State Lunatic Asylum at Harrisburg, and the Western Pennsylvania Hospital for the Insane, and other kindred purposes at Pittsburg, are noble charities, and deserve the aid and encouragement of the State. The annual reports of these institutions will be laid before you, and will exhibit, in detail, their operations during the past year.

The House of Refuge in Philadelphia, and the Western House of Refuge near Pittsburg, are institutions of great excellence, and their results clearly establish the wisdom of the policy that founded and sustains

them. They ought not to be neglected; nor should the aid of the Commonwealth be withheld from them.

The "Blind" and the "Deaf and Dumb Asylums" at Philadelphia; and "the Pennsylvania Training School for idiotic and feeble minded children," are institutions that appeal, in silence and sorrow, to the best and purest feelings of the heart, and ask your sympathy and aid. They should receive a generous share of the benefactions of the State.

Agriculture, in its varied departments, is the great interest of the Commonwealth. It is the basis alike of financial and commercial success, and of State and national prosperity. An interest so important should be fostered by the State, and honored by all classes of society. To its promotion and success all should cheerfully contribute. In a former communication I recommended the establishment of an Agricultural bureau, in connection with some one of the State Departments, to give efficiency to the collection and diffusion of useful knowledge on this subject, and to encourage scientific and practical agriculture. Science, with wondrous energy, has aided the husbandman in his honorable vocation, and proffers still more help. The State should nerve his arm and cheer him onward in this, the first and noblest pursuit of man. This subject, in connection with an appropriation to the "Farmers' High School of Pennsylvania"—an institution destined to be an honor to the Commonwealth—is recommended to your favorable consideration.

The "Polythenic College of Pennsylvania," established by the enterprise and liberality of some of the patriotic citizens of Philadelphia, as a school of the applied sciences, deserves honorable mention, and should receive the confidence and patronage of the public. In the teachings of this institution, literature, science and art, in happy union, meet to prepare our young men for the practical business of life, for mining, me-



chanical and civil engineering, and for promoting intelligently and efficiently the great interests of manufacturing and agricultural industry.

The laws on the statute book regulating manufacturing and improvement companies, require revision. They are unnecessarily stringent in many of their provisions, and thus defeat the object of their enactment. They drive capital from the State, instead of inviting its investment here; and instead of encouraging individual and associated enterprise and energy in the development of our immense natural resources, they bind and crush both by severe restrictions, unwise limitations and personal liabilities. The subject deserves careful attention and liberal legislation.

I have so frequently expressed my views in relation to local, special and "omnibus" legislation, that their reiteration now becomes unnecessary. Legislation, so far as practicable, should be general and uniform. Local and special legislation, when the object desired can be secured by general laws, or by the action of the courts, should be avoided. "Omnibus legislation" cannot, under any circumstances, be justified or approved. Too much legislation is an evil that prevails extensively in legislative halls. Its avoidance would not be injurious to public or private interests.

The practice of delaying the passage of the general appropriation bill until the last days of the session, and incorporating in its provisions incompatible with its general character, and obnoxious, when standing alone, to insurmountable objections, is highly censurable and should be discontinued. The attempt thus made to force, by a species of legislative legerdemain, the passage of objectionable measures through the Legislature, and compel their sanction by the Executive, has been too often successful. The practice cannot be too strongly condemned; it cannot receive my sanction.

The militia law of the State is imperfect in many of its provisions, and should be revised. The powers and duties of the Commander-in-Chief should be more clearly defined; as also of the other officers connected with the military organization of the Commonwealth. This is necessary to prevent a conflict of jurisdiction with other departments of the Government, and to give greater efficiency to our military system. Volunteer companies should be encouraged; our entire military system should be remodeled, and made to occupy that honorable position which from its importance and necessity it deserves.

Near the close of the last session of the Legislature, I transmitted to that body an ordinance passed by the select and common councils of the city of Philadelphia, approved by the Mayor on the 7th of April, 1856, and officially communicated to me, proposing to convey to the Commonwealth of Pennsylvania a lot of ground in that city, for the purpose of erecting thereon a State arsenal. Want of time alone prevented action on the proposition then submitted. The ground thus offered to the State is valuable, and its location most eligible for the purpose intended. The conditions of the proposed grant are favorable to the State, and highly creditable to the municipal authorities of Philadelphia, evincing a liberality and public spirit worthy of all commendation. The necessity of a State arsenal in that city is so apparent that the subject needs no elaboration in this communication. After the sale of the State arsenal in Philadelphia, the public arms were deposited in an old building, or out house, unsafe and unfit as a depository for public property. The sum of \$30,000.00, realized from that sale, is now in the Treasury; and by the fifty-fifth section of an act passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordinary expenses of government," &c., the Governor was authorized to apply the same to the

purchase of a lot of ground and to the erection of an arsenal thereon. This sum was found insufficient for these purposes, and consequently the object intended by the appropriation has not been accomplished. By the cession of this lot, the State will be relieved from the expenditure of any money for the purchase of suitable grounds; and the entire sum of \$30,000.00 may be applied to the erection of the necessary buildings; to which sum can be added, if deemed advisable, the amount that may be realized from the sale of the arsenals at Meadville and Harrisburg, as recommended in my last annual message. These sums would be amply sufficient to accomplish this object.

I would, therefore, again recommend the immediate passage of a bill accepting the conveyance of the said lot of ground from the city of Philadelphia, for the purposes and upon the terms and conditions contained in the ordinance; and that the sum of \$30,000.00 be appropriated for the erection of a State arsenal thereon.

On the 6th day of October, 1855, I approved and signed a bill, entitled "An Act to repeal the charter of the Erie and North East railroad company, and to provide for the disposal of the same." In pursuance of its provisions, Hon. Josephy Casey was appointed to take possession and have the charge and custody of the road. Before possession was taken, application was made by the company, to one of the judges of the Supreme Court of Pa., for an injunction to restrain the agent of the State from taking possession; and subsequently a cautionary order was made by the Supreme Court, in banc, to stay proceedings under the act. The questions then pending before that court were determined in favor of the Commonwealth—the constitutionality of the act sustained, and the application for an injunction refused. Possession of the road was then taken by the agent of the State, as directed by law.

On the twenty-second day of April, 1856, an act, entitled "An Act supplementary to the act incorporating the Erie and North East railroad company" was passed. By this act the Erie and North East railroad, as originally located and constructed, was legalized and confirmed; and certain changes in the road were directed to be made, and other acts to be done by the company. It was also provided "that the Governor shall retain possession of the Erie and North East railroad, under the act of the sixth of October, 1855, until the provisions of this act shall have been accepted by a vote of the stockholders of the Erie and North East railroad company, at a meeting called for that purpose." On the fifteenth day of May, 1856, at a meeting of the stockholders called for that purpose, the provisions of the act were accepted by their vote. This acceptance, duly certified, was received and filed in this Department on the fifteenth day of July last. Possession of the road has been restored, and it is now under the care and management of the company. A final account for money received from the road, whilst in possession of the State, will be settled with the company at the earliest practicable period.

It is but proper to state that since the acceptance of the act of the 22d of April, 1856, a writ of error, in the cases adjudicated by the Supreme Court of Pennsylvania, has been issued at the suit of the company by the Supreme Court of the United States, and is now pending in that court.

The commissioner first appointed having resigned, A. K. M'Clure, Esq., was appointed in his place. The duties of both officers were ably and faithfully performed. Copies of their correspondence and reports, herewith submitted to the House of Representatives, for the use of the Legislature, will furnish information in detail on the subject now under consideration. It is sincerely desired that good faith and honesty of pur-



pose may characterize the conduct of this company in the discharge of the duties assumed by their acceptance of the act of 22d of April last, and that this much vexed question will not again disturb the harmony or retard the prosperity of the city of Erie, or any other portion of this Commonwealth.

The resolution proposing amendments to the Constitution of the Commonwealth, have been published as directed by that instrument. It will be your duty to take such action in reference to these amendments as will, in your judgment, be most consistent with the wishes of the people. An appropriation will be required to pay the expenses of their publication, and to this your earliest attention is requested.

The important duty of districting the State for the election of Senators and Representatives, will devolve upon you. This duty should be performed faithfully, and with strict reference to the interests and rights of the whole people. Returns of taxables, required to be made by the different counties, have not all been forwarded to this Department, as by law directed. Circulars have been issued to the officers charged with these duties, urging their speedy performance, and the returns will, as soon as received, be transmitted to you.

The elective franchise is the highest and most responsible privilege enjoyed by the American citizen. Involving in its exercise the sovereignty of the people, and constituting as it does the substratum of our free institutions, it cannot be too highly appreciated or carefully guarded. The ballot-box, through which the people speak their will, should be preserved from violation at every hazard and sacrifice. Upon its purity and integrity depend the existence of our republican government, and the rights and privileges of the citizen.—Every legal voter, whatever may be his political affinities or party predilections, is deeply interested in this question. Any attempt to sully its purity, or im-

pair its efficiency, whether by violence or fraud, should be sternly resisted and severely punished. Illegal voting, whether founded on forgery or perjury, or both; on false assessments, or false and forged certificates of naturalization, is an evil that deserves the severest condemnation. It prevents an honest expression of the popular will, corrupts the sources of legitimate power and influence, and strikes a fatal blow at the cherished rights of freemen. These evils are alleged to exist in our large cities—the rural districts of the State are comparatively free from such corrupting abuses. A remedy, co-extensive with the evil, should be provided. Every defence should be thrown around the ballot-box, and whilst the rights of legal voters should be secured and protected, fraud in every form should be prevented and punished. Whether a judicious registry law, or some other measure of reform, adequate to the necessities of the case, should be adopted, is referred to the wisdom of the Legislature.

As appropriate to this subject, the reform of the naturalization laws—the prevention, by the National Government, of the importation of foreign criminals and paupers, and a more careful, rigid and personal examination, by our courts, of all persons coming before them as applicants for admission to the rights of citizenship, would, to some extent, correct existing abuses, and relieve the ballot-box from the pressure of corrupting and dangerous influences.

To the policy and acts of the National Government, affecting, as they do, the rights and interests of the Commonwealth, the people of the State cannot be indifferent. Pennsylvania, occupying a high and conservative position in the sisterhood of States—devoted to the Constitution and the Union, in their integrity and harmony, has been, and will ever be, as ready to recognize the rights of her sister States as to defend her own. These sentiments she has never abandoned

—these principles she has never violated. Pledged to the maintenance of the rights of the north, as well as those of the south—sincerely desirous to promote the peace, harmony and welfare of our whole country—and disclaiming all intention or desire to interfere with the Constitutional rights of the States, or their domestic institutions—the people of this Commonwealth viewed with alarm and apprehension the repeal of the Missouri Compromise—a compromise rendered sacred in public esteem by its association and connection with the great cause of national harmony and union—regarding it as a palpable violation of the plighted faith and honor of the nation, and as an unwarrantable attempt to extend the institution of domestic slavery to territories then free. This reckless and indefensible act of our National Congress, has not only aroused sectional jealousies and renewed the agitation of vexed and distracting questions, but, as a consequence, it has filled Kansas with fraud, violence and strife—has stained its soil with blood, and by a system of territorial legislation, justly styled “infamous,” has made freedom of speech and of the press, a felony, and periled the great principles of liberty and equal rights. If the doctrine of “popular sovereignty” is in good faith to be applied to that Territory—if the people thereof are to be left “perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,” then the obstruction of the great National highways to the northern emigrant—the employment of the National forces, and the subversion of law and justice alike by the officials in Kansas and Washington, to force slavery upon an unwilling people, cannot be too severely condemned.

Freedom is the great centre-truth of American Republicanism—the great law of American Nationality; slavery is the exception. It is local and sectional; and its extension beyond the jurisdiction creating it, or to

the free territories of the Union, was never designed or contemplated by the patriot founders of the Republic. In accordance with these sentiments, Pennsylvania, true to the principles of the act of 1780, which abolished slavery within her territorial limits—true to the great doctrines of the Ordinance of 1787, which dedicated to freedom the north-western territory of the Union—true to National faith and National honor, asks and expects, as due to her own citizens who have, in good faith, settled in the territory of Kansas, and as due to the industry and energy of a free people, that Kansas should be free.

In this connection, and as a consequent upon the repeal of the Missouri Compromise, reference to a proposition made by some of the leading southern journals, and more recently sanctioned by high official authority in a sister State, to re-open the African slave trade, will not be deemed improper. That such a traffic, declared to be piracy, and execrated by the civilized world—so crowded with horrors in every stage of its pursuit—so revolting to every sentiment of humanity—every impulse of pure and noble feeling, should be advocated or approved, in this nineteenth century, with apparent sincerity, and urged as a measure of political economy and of justice and equality to the southern States of the Union, are facts that find their only explanation and apology in a wild enthusiasm, or a still wilder fanaticism that overwhelms alike the reason and the conscience. The wisdom and humanity of a proposition so startling and monstrous, must seek their parallel and illustration in the dungeons of the Inquisition, or in the hold of the slave ship, amid the horrors of the "middle passage." Equally repulsive to the intelligent and virtuous sentiment of the south as well as the north, it should receive the indignant rebuke of every lover of his country—of every friend of justice and humanity. The history of the world and of crime does not reveal a traffic more inhuman—an



atrocities more horrible. Against a proposition so abhorrent, and against the principles it involves, as the representatives of a free people, and in their name you should enter their unanimous and emphatic protest.

The union of the States, which constitutes us one people, should be dear to you—to every American citizen. In the heat and excitement of political contests in the whirl of sectional and conflicting interests—amid the surging of human passions, harsh and discordant voices may be heard, threatening its integrity and denouncing its doom; but in the calm, “sober, second thought” of a patriotic and virtuous people, will be found its security and defence. Founded in wisdom, and cherished by the intense affection of pure and devoted patriotism, it will stand, safe and undisturbed, amid the insane rage of political demagogism, and the fitful howling of frantic fanaticism; and when it falls—if fall it must—it will be when liberty and truth, patriotism and virtue, have perished. Pennsylvania tolerates no sentiment of disunion—she knows not the word. Disunion! “’tis an after-thought—a monstrous wish—unborn till virtue dies.” The Union and the Constitution—the safe-guard and bond of American Nationality—will be revered and defended by every American Freeman who cherishes the principles and honors the memory of the illustrious founders of the Republic.

Recognizing our responsibility to Him who controls the destinies of nations and of men; and invoking his blessings on your deliberations, may order and harmony characterize your sessions, and with single reference to the public good, may your legislative action, in its character and results, promote the happiness and welfare of the people, and the honor and prosperity of the Commonwealth.

JAMES POLLOCK.

Executive Chamber,  
Harrisburg, January 7, 1857.

To the Assembly Vetoing "A Supplement to an Act Relative to the Sheriffs of this Commonwealth."

Executive Department,  
Harrisburg, January 7, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 1047, of the session of 1856, entitled "A supplement to an act relative to the sheriffs of this Commonwealth, approved April 11, 1856," with my objections to the same.

This bill, although general in its terms, is local and special in its application. Its real object is to extend the provisions of the act of the 11th of April, 1856, entitled "An Act relative to the sheriffs of the Commonwealth," to the sheriff of Allegheny county, from which he was expressly excepted, and re-open his account with the commissioners of that county for supporting prisoners and vagrants, which was settled and adjusted by the court of quarter sessions, in accordance with the provisions of the act of May, 1855, entitled "An Act to regulate the price of supporting prisoners in the county jail of Allegheny county." This account "had not been satisfactorily adjusted" by the court, in the opinion of the then sheriff, the party in the case. The sheriff was dissatisfied with the judgment of the court, entered on the 22d day of March, 1856, and by this bill asks its reversal by the Legislature; and not satisfied with this, he asks you to fix and determine his compensation for supporting prisoners and vagrants, on the minimum principle of the act of April 11, 1856—an act passed subsequently to the entry of judgment.

The interference of the Legislature with the judgments and decisions of the courts, pronounced after a full and fair investigation of all the facts, cannot be justified. It should not rashly be attempted. The

legislation in this case is unwise in principle, and most dangerous as a precedent, if sanctioned. Whatever may be the merits or demerits of the controversy between the commissioners and the sheriff of Allegheny county, or the wrongs suffered, if any, by him, it is better far that individual wrong be endured, than that the regular administration of justice by our courts should be endangered or controlled by such legislation. If every individual in the State, citizen or officer, whose case, in his opinion, has not been satisfactorily adjudicated by the courts, should apply to the Legislature for reversal and relief, your sessions would be indefinitely prolonged; and instead of making laws, you would sit as a court of errors and appeals, to review the decisions and reverse the judgments of the courts in matters peculiarly and exclusively pertaining to their jurisdiction.

For these reasons I cannot approve this bill.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act Relative to the Office of Tonnage Agents."

Executive Department,  
Harrisburg, January 7, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 757, of the session of 1856, entitled "An Act relative to the office of tonnage agents," with my objections to the same.

By the proviso to the twenty-second section of the act of the 13th of April, 1846, incorporating the Pennsylvania railroad company," the Governor is authorized to appoint one or more State Agents, not exceeding three, to perform the duties therein enjoined; and by the proviso to the eighth section of the act of April 21, 1846, incorporating York and Cumberland

railroad company, similar power was given to appoint State Agents for that road, not exceeding one to each train of cars, and for the same purposes. These provisions were intended for the benefit alike of the State and companies, and to secure a just and true account of the tonnage of every description, and passengers transported or carried over those roads. They enter into and form part of the contract between the State and the companies, and whether material or immaterial in the estimation of one of the parties, cannot constitutionally be changed, without the consent of both. It is an admitted principle, that a charter granted to a railroad or other company, is a contract between the power granting the charter and the parties upon whom the franchises and privileges are conferred. This obligation of contract, created by the act of incorporation, cannot in any degree, be impaired or changed without the right to do so has been reserved to the State generally, or to be exercised on breach of some condition in the charter, or the misuse or abuse of their privileges by the corporation.

The right to alter, amend or revoke has not been reserved generally in the acts incorporating these companies; and as there has been no breach of condition, no allegation of misuse or abuse of chartered privileges, or that "their exercise has been injurious to the citizens of the Commonwealth," and it is not pretended that such has been the case in relation to these or any other provisions of the charter, the power to make the change proposed in the bill does not exist; and cannot be constitutionally exercised without the consent of the companies. They have not demanded this alteration in their organic law, nor has their consent been given.

The existing laws better secure and protect the interests of the State and companies, than the amendment can do, and therefore should not be altered. It is a



more change, gratuitously proposed, without merit and without improvement. The constitutional power of the Legislature to pass this bill is more than doubtful; the policy of its passage not less so; and neither public or private interests would be promoted by its becoming a law. For these reasons I cannot give it my sanction.

JAS. POLLOCK.

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To the Assembly Vetoing "A Supplement to the Act Incorporating the Moshannon Coal and Iron Company."

Executive Department,  
Harrisburg, January 7, 1857.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE IN which it originated, bill No. 646, of the session of 1856, entitled "A supplement to the act incorporating the Moshanon coal and iron company," with my objections to the same.

The first section of the act of Assembly of the 16th of April, A. D. 1845, entitled "An Act to increase the revenues and diminish the legislative expenses of the Commonwealth," provides that thereafter no private act of Assembly therein described and taxed, shall be enrolled in the office of the Secretary of the Commonwealth, or published, or have the force or effect of law, until the party asking and requiring the same shall have paid into the Treasury of the Commonwealth the sums therein stated, among which are "on every law incorporating or re-chartering any iron, coal or manufacturing company, the sum of two hundred dollars."

On the 3d day of November, A. D. 1855, I approved and signed an act passed by the Legislature of that year, entitled "An Act to incorporate the Moshanon

coal and iron company," and directed the same to be deposited in the office of the Secretary of the Commonwealth, where it yet remains unrecorded, and without the force or effect of law, because of the non-payment of the enrolment tax due upon it in pursuance of the provisions of the act of the 16th of April, 1845, above recited.

The bill herewith returned is designed as a supplement to the act providing for the incorporation of the Moshanon coal and iron company, and would, if approved, confer upon that company important additional powers and privileges.

I cannot, however, give it my sanction, unobjectionable as its provisions may be. The enrolment tax not having been as yet paid on the original bill, it has not the force of effect of law, and therefore, in my opinion, there is no enactment in existence upon which to base the legislation contemplated in the bill now under consideration.

I therefore return it to the Senate, in which it originated, without my approval.

JAS. POLLOCK.

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To the Assembly Transmitting a List of Taxable Inhabitants, Slaves, Deaf, Dumb and Blind Persons in this Commonwealth.

Executive Department,  
Harrisburg, January 31, 1857.

Gentlemen:—

**A** GREEABLY TO THE PROVISIONS OF THE act, entitled "An Act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth," and the several supplements thereto, I have directed the Secretary of the Common-

wealth to lay before you a list of the taxable inhabitants, slaves, deaf and dumb, and blind persons within this Commonwealth, so far as the same can be ascertained from the returns made to me by the commissioners of the several counties.

I have also directed the respective original lists of taxables, &c., as received from the county commissioners, to be deposited with the Clerk of the House of Representatives.

In order to secure the taking and return of the septennial census, as provided by law, notices were sent by the Secretary of the Commonwealth, by mail, to the commissioners of the several counties of the State, on the twenty-second day of October last, calling their attention to the provisions of the Constitution and the acts of Assembly on the subject. And on the nineteenth day of December following, similar notices were sent to the commissioners of those counties, from which no returns had then been received.

The lists herewith transmitted, embrace enumerations and returns from all of the counties of the Commonwealth, except the county of Luzerne; and from information received at this Department, it is expected that the returns from the county of Luzerne will be forwarded in a short time, and they will be submitted to you as soon as received.

Very few of the returns made to me are in strict accordance with the requirements of the acts of Assembly. In several instances the assessors' lists, or copies of them, were forwarded to this Department, without being accompanied by a certified enumeration of the taxable inhabitants, &c., of the county, as contemplated by law. In such cases, enumerations were made in the office of the Secretary of the Commonwealth.

No enumeration of the taxable inhabitants, &c., of the city of Philadelphia, having been returned by the

city commissioners, at the time of transmitting the assessors' lists, an enumeration was made in this Department, by precincts, divisions and wards, from the assessors' lists, (a copy of which is included in the lists this day transmitted to you,) by which the aggregate number of taxables in said city was found to be one hundred and one thousand four hundred and sixty. Since the making of this enumeration, the commissioners of the said city have forwarded to me a duly certified enumeration, giving the aggregate number of taxables therein, by wards, at one hundred and four thousand three hundred and thirty-five.

JAS. POLLOCK.

Proclamation of Reward for the Apprehension of the Murderer of Samuel T. Norcross, of Massachusetts, Assassinated near Altoona, Pennsylvania.

Pennsylvania, ss:

[Signed] Jas. Pollock.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JAMES POLLOCK, Governor of the Said Commonwealth. To all to whom

these presents shall come—sends greeting.

#### A PROCLAMATION.



Whereas, I have received authentic information that a certain Samuel T. Norcross, late of East Lexington in the State of Massachusetts, was Murdered near the Town of Altoona in the County of Blair, in this Commonwealth on Friday Morning, the Sixteenth day of January, A. D.



1857, by some person or persons whose name or names are unknown, and for whose discovery and arrest all efforts hitherto have proved ineffectual.

## DOCUMENTS RELATING TO THE PROCLAMATION.

Hollidaysburg, February 2nd, 1857.

To His Excellency James Pollock  
Governor of Pennsylvania.

Dear Sir.

A man by the name of Norcross was found murdered within a short distance of Altoona and close to the Penn'a Rail Road, in this (Blair) county, a short time since. It is pretty certain that he was murdered by a man by the name of David McKim or by a person who went by that name. Norcross and McKim were together and stopped at the same hotel in Pittsburg. McKim told the landlord at Pittsburg that Norcross was subject to fits of insanity, that he would get up in the night and try to but his brains out against the walls of the room, and he should not be alarmed if he heard a noise in the night. McKim also stated to the landlord that he had charge of Norcross and was taking him to his friends. This story of insanity and of him having charge of Norcross was all a fabrication. They left Pittsburg together and came in the cars to Altoona, where they both got out of the cars. Norcross was found a few hours afterwards with his throat cut and his skull fractured. McKim was seen the same day or the next day on the mountain. Neither of them were citizens or residents of this State. But the citizens of this county think that public justice requires that an effort be made by the State authorities, to have the perpetrator of so foul a murder arrested and punished. If McKim is arrested, this county will cheerfully bear the expense of his trial. But we think the State ought to offer a reward for his apprehension and delivery into the jail of this county, so that the public justice of the good old commonwealth may be vindicated. There is a good deal of excitement about the matter here, and the citizens of this county think that in as much as the murdered and murderer were both strangers, fidelity to our sister States, and particularly to Massachusetts—of which State Norcross was a citizen, requires that Your Excellency should offer a reward for the arrest of David McKim. Hoping that the above suggestion will meet with Your Excellency's approbation and favorable consideration,

I am, very Respectfully Yours

E. HAMMOND

Dist. Att'y of Blair County

Altoona January 24th 1857

At a meeting held at the Town Hall this evening for the purpose of petitioning the Governor to offer a reward for the arrest of the murderer of Samuel T. Norcross of East Lexington Mass—

George W Patton was called to the Chair

Moses Douty and Charles R McCrea were appointed Vice Presidents

Robert Pitcairns was appointed Secretary

The President stated the object of the meeting—

On motion It was resolved that this meeting most respectfully petition his Excellency the Governor to offer a liberal reward for the apprehension of the murderer of Samuel T. Norcross—

On motion it was resolved that this meeting recommends to the Commissioners of this County to offer a liberal reward for the apprehension & conviction of the murderer of Samuel T. Norcross—

On motion It was resolved that the petition just read be accepted—

On motion it was resolved that a committee of 3 be appointed to collect funds for the purpose of defraying any expenses that may occur

On motion It was resolved that the Chair appoint that committee—

Whereupon the Chair appointed Geo B Cramer Michael Clabaugh and Moses Douty

And Whereas the reputation of the Government, the peace and Security of its Citizens, and the obligations of Justice and humanity require that the perpetrator

On motion it was resolved that the proceedings of this meeting be published in the Altoona Tribune—

On motion we now adjourn—carried

GEO W PATTON  
Chairman

R PITCAIRNS  
Secretary

By telegraph

Columbia Jan 24th

H. J. Lombaert

David McKinney the Supposed murderer of Norcross in Mail train that left Lancaster today for Philadelphia—I saw him here and was speaking about the murder he came towards me and asked me questions in relation to the murder & afterwards acted in a very strange maner which was noticed by several persons he registered his name in Lancaster as David McKinney Pittsburg

W B WILSON  
Operator

Altoona Jan 24th 1857

Received by telegraph at Altoona on the Evening of the meeting—

Altoona Jan 24th 1857

To His Excellency

James Pollock Esq

Gov of the State of Penn'a

We the undersigned Citizens of Altoona Blair Co Penn'a do most respectfully petition your excellency to offer a liberal reward for the apprehension of the murderer or murderers of Samuel T. Norcross of East Lexington Massachusetts who was murdered near this place on friday morning January 16th 1857 for full particulars of which we refer you to enclosed paper (Altoona Tribune of the 22nd inst.)

**HORRIBLE AFFAIR.**—It is our painful duty to-day, to record one of the most brutal and fiendish murders, perpetrated within a few miles of this place, that ever disgraced the annals of a civilized country. The facts in the case so far as we have been able to ascertain them are as follows:—

On Friday morning last, some laborers engaged on the railroad about two miles above this place, found a genteely dressed man lying in the ditch at the side of the road, with his face badly bruised and his throat cut.—When first discovered he was on his hands and knees, endeavoring to get up, but was unable. Along-side of the injured man was found a black Patent leather carpet bag, a green baize bag containing a violin, a razor scabbard, a pair of gloves, a club considerably marked with blood, and a short distance above, where there was a quantity of blood, a razor, with which his throat had evidently been cut. It being about the time the trains were coming down the mountain, the injured man was placed on an engine and brought down to this place. Dr. Hays was immediately summoned, who sewed up and dressed the wounds, applied restoratives and did all in his power to save the life of the man, or at least to revive him sufficiently to enable him to give an explanation of the mysterious affair; but it was all to no purpose; reaction could not be produced and at half past two o'clock in the afternoon, death put a period to his sufferings.

The appearance of the injured man was sickening to behold. His face was cut and bruised to such an extent that he scarcely resembled a human being. A full description of the wounds will be found in the testimony of Dr. Landis, before the Coroner's Jury.

or perpetrators of Said offence shall be brought to Speedy and condign punishment. I have therefore thought proper to issue this Proclamation, Hereby of-

As may well be imagined, the affair created intense excitement in town. Every person seemed to be interested to discover if possible whether it was a murder, and if so, who was the perpetrator. A letter directed to Samuel T. Norcross, Dunlieth, Ill., postmarked East Lexington, Mass., was found on the person of the deceased. During the day a telegraphic dispatch was forwarded to the press in Pittsburgh, giving the name of the person found and other information, which was answered late in the evening, by the following dispatch to the Coroner:

Pittsburg, Jan. 16, 1857.

To the Coroner:—Samuel T. Norcross left this city last night at half past nine o'clock, in company with a man calling himself David McKinney, of Philadelphia. They were on their way to East Lexington, Mass. Norcross registered his name as a resident of that place. They came from the West, M'Kinney stated that Norcross was in very bad health, that he was subject to fits of insanity, and that he was taking him home. Norcross was a young looking man and wore a large fur cap.

JOHN M'MASTERS Jr.  
Proprietor Eagle Hotel.

This despatch threw some light on the mysterious affair; and it was at once concluded that the man had been murdered, and that M'Kinney was the murderer. On receipt of the above despatch, Mr. M'Masters was telegraphed to for a description of M'Kinney and the following answer received:—

Pittsburg, Jan. 16 1857.

M. Douty:—D. M'Kinney is a large man—high cheek bones—roman nose—wore dark clothes—rough overcoat and black cap.

JOHN M'MASTERS, Jr.

| Names              |                   |
|--------------------|-------------------|
| Geo W Patton       | Wm Conroy         |
| Moses Douty        | Tho M'Minn        |
| Charles R. McCrea  | Chas. G. Park     |
| Robert Pitcairns   | Thomas McBride    |
| Michael Clabaugh   | Michael M Cormick |
| Andrew Law         | Andrew Kipple     |
| J B Hileman        | Daniel G. Weidel  |
| N J Mervine        | Peter Reed        |
| Henry Ebersol      | Christian Wherley |
| George Hartzeten   | Daniel Price      |
| Charles C Mason    | Richard J. Hughes |
| F A Denning        | Robert Bond       |
| Austin Magraw      | C. R. Hostetter   |
| Isaac M England    | Isaac Howey       |
| Benjamin Barley    | Joseph Stucker    |
| George Hawksworth  | J S McShano       |
| Ezra Ale           | L C Braston       |
| D. Courter         | G. W. Seibert     |
| William C Furgeson | Wm. M. Allison,   |
| John Winters       | D I Travers       |
| John Dougherty     | E. R. O'Donnell   |
| Wats Boyer         | A H Maxwell       |
| Wm. Boyaen         | Geo B. Cramer     |
| Samuel Tries       | I. L. Piper       |
| Edwin A Beck       | George M Sansom   |
| A Reeves           | James Keaney      |
| William W. Cox     | Enoch Lewis       |

fering a Reward of Five hundred dollars to any person or persons who shall apprehend and secure the Said Offender or offenders against the public peace, in the Jail of any County within this Commonwealth, the Said Sum to be paid upon the Conviction of the perpetrator or perpetrators of the Crime aforesaid, and all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth are hereby required and enjoined, to be attentive and vigilant in enquiring after and bringing to Justice the alleged perpetrator or perpetrators of the Crime aforesaid.

Given under my Hand and the Great Seal of the State at Harrisburg, this Thirty-first day of January in the year of our Lord one thousand eight hundred and fifty-seven, and of the Commonwealth the Eighty-first.

By the Governor,

John M. Sullivan,

Depy. Sec'y of the Comm'th.

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To the Senate Nominating William R. DeWitt to be State Librarian.

Executive Chamber,

Harrisburg, February 2, 1857.

Senators:—

**I**N CONFORMITY WITH THE ACT OF THE General Assembly, approved the 25th day of January, A. D. 1854, I do hereby nominate, for the advice and consent of the Senate, William R. De Witt, of Dauphin county to be State Librarian for the period of three years from this date.

JAMES POLLOCK.



To the Senate Nominating Trustees of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 16, 1857.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, the Hon. Augustus O. Hiester and A. J. Jones, Esq., of Dauphin county, and A. G. Waterman, Esq., of the city of Philadelphia, to be trustees of the Pennsylvania State Lunatic Hospital for three years from this date.

JAS. POLLOCK.

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To the Assembly Transmitting the Report of the Board of Revenue Commissioners.

Executive Department,  
Harrisburg, March 23, 1857.

Gentlemen:—

**I** HEREWITH TRANSMIT THE FINAL REPORT of the Board of Revenue Commissioners, fixing the valuation of property subject to taxation in this Commonwealth.

In submitting this report to the Legislature, I would respectfully ask your careful attention to its many valuable suggestions on the subject of taxation generally, and particularly to the views expressed by the Board in reference to the sale of the main line of the public improvements, as connected with the reduction of the public debt of this Commonwealth. These suggestions, emanating from a body composed of gentle-

men, representing various portions of the State, selected for their intelligence, and probity, and differing widely in their political sentiments and partly predilections, are entitled to more than a formal or passing consideration. The reduction of the public debt is a subject that deeply interests every tax payer in the Commonwealth; and the sale of the main line, as a means to accomplish this desirable result, cannot be too often or strongly urged upon the attention of the Legislature. This proposition of sale involving, as it does, important principles of financial and economical policy, rises above questions of mere partizan ascendancy or success, and appeals, with emphasis for support to all who desire to relieve the Commonwealth from debt, and her people from the taxation with which they are burdened, to meet its annually accruing interest.

JAS. POLLOCK.

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To the Senate Nominating Henry C. Hickok to be  
State Superintendent of Common Schools.

Executive Chamber,  
Harrisburg, April 27, 1857.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the provisions of the act of Assembly of the 18th of April, 1857, separating the State and School departments, Henry C. Hickok, Esquire, of Union county, to be Superintendent of Common Schools of this Commonwealth, for three years from the first Monday of June next.

JAS. POLLOCK.

To the Assembly Vetoing "An Act to Incorporate the State Capital Bank."

Executive Department,  
Harrisburg, May 12, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 271, entitled "An Act to incorporate the State Capital Bank," with my objections to the same.

This bill proposes the creation of a bank of issue, with a capital of three hundred thousand dollars, to be located in the borough of Harrisburg.

That an increase of banking capital is necessary, and demanded by the legitimate wants of trade, in certain localities within the Commonwealth, is freely admitted—that an injudicious and indiscriminate increase in every locality in which it has been, or may be demanded from the Legislature, would be not only useless, but productive of the evils of an inflated currency; exciting to speculation, and terminating in financial embarrassment, will not be denied. The most selfish and persistent advocate of banks, cannot and would not, approve the policy of incorporating all the banks for which bills are now pending before, or have been passed by the Legislature. The pertinacity with which the numerous applications for banks are pressed, and the large number of bills reported by the committees and now upon the calendar of both Houses, for their incorporation, would seem at least to require the exercise of an impartial discrimination in their creation. Many have already received the favorable action of both branches of the Legislature, and many more, in hot haste, are crowding onward in expectation of similar success. These numerous and pressing applications, to a great extent should be resisted—they cannot be justified. The number of applications, and the

zeal and earnestness with which they are urged upon your attention, are no just criterion of the wishes of the people or the wants of trade. Self interest may demand what the true interests of an entire community would reject—rash speculation will approve a system that honest industry and legitimate trade would denounce and condemn. Experience counsels prudence, care, and a just discrimination in the incorporation of banks. These should be exercised; and the interests of the people and the necessities of sound and healthy trade should be carefully considered. In my opinion this has not been done with that caution, and reference to the public good the importance of the subject demands.

In my last annual message I expressed the opinion, that “the incorporation of new, or the re-charter of old and solvent banks, when actually necessary and demanded by the wants of legitimate trade, in the community where located, should be favored; under no other circumstances should either be permitted.” To this I still adhere, regarding it as embodying a sound principle of public and financial economy. This shall be the rule of my action, and although I may err in its application to particular cases, it will be an error of judgment, not of design. Discriminations may be odious, and provoke denunciation and abuse, yet if they become a duty, I will not shrink from the responsibility thrown upon me by your action. Local feelings and prejudices, aided by a combination of similar interests, may procure the wholesale passage of numerous bills incorporating banks, but will not justify the system of legislation that exposes the benereal interests of trade and commerce, and the industrial pursuits of the citizen, to the evils and dangers of an inflated and depreciated currency. After a careful examination of the facts connected with this application for a bank—the locality itself; its statistics; its existing banking facili-



ties; its proximity to other banks, and to the great centres of trade; the means of communication, and the general and even large increase of banking capital of the State during the present session I have not been able to discover the necessity that demands, or the public policy that would, under existing circumstances, and at this time, justify the incorporation of this bank. It might be useful, but it is not clearly demanded by the necessities or the wants of legitimate trade; and therefore should yield for the present, to the claims of other localities less favored with banking capital and banking facilities. Considerations of personal regard for those who ask the passage of this bill, would prompt its approval; considerations of public and financial policy, together with the reasons assigned in this communication, induce me to withhold my sanction.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act to Incorporate the Farmers' and Manufacturers' Bank of Centre County."

Executive Department,  
Harrisburg, May 12, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 247, entitled "An Act to incorporate the Farmers' and Manufacturers' Bank of Centre County."

For the reasons assigned, generally, in my communication to the Legislature of this date, to which you are respectfully referred, returning without my signature, Senate bill No. 271, entitled "An Act to incorporate the State Capitol Bank," I cannot approve this bill.

I am further strengthened in my opinion of the propriety of refusing my sanction to this bill, by the fact, that at the present session of the Legislature additional banking capital has been granted in the section of the State in which this bank is proposed to be located, and that already too large an increase in the number of banks and the banking capital of the State has been proposed and passed by the Legislature, to be sustained and justified by any principle of sound public policy.

I am forced to make discriminations that should have been made by the Legislature, and will not shrink from the performance of that duty, however invidious it may be, when in my judgment the banking capital of the State has been increased as much as the real necessities of trade and commerce demand.

It is hard to resist the importunities of parties interested in the incorporation of new banks; and in the discrimination I am forced to make, I may err in judgment and may give offence to large influential circles of my friends, but acting in obedience to my duty under the Constitution, personal considerations must yield to my judgment of public policy.

JAS. POLLOCK.

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To the Assembly Vetoing "An Act to Incorporate the Schuylkill Haven Bank."

Executive Department,  
Harrisburg, May 12, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 413, entitled "An Act to incorporate the Schuylkill Haven Bank," with my objections to the same.

The notice required by the Constitution and laws

regulating applications for the incorporation of banking institutions, has not been given in this case. The affidavits of the publishers appended to the notices, certify that they were published weekly for twenty-six consecutive weeks; but an enumeration of the notices themselves disclose the fact, that one of them at least was first published on the 9th day of July, 1856, less than six months before the meeting of the present Legislature, which met on the 6th day of January last. This failure to comply with the requirements of the Constitution and laws in regard to notice, is a fatal objection, and one that cannot be overlooked or remedied; and being conclusive in itself, it becomes unnecessary to assign any other reason for refusing my sanction to this bill.

JAS. POLLOCK.

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To the Assembly Vetoing "A Supplement to an Act to Increase the Capital of the Columbia Bank, approved April 24, 1856."

Executive Department,  
Harrisburg, May 12, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 478, entitled "A supplement to an act to increase the capital of the Columbia Bank, approved April 24, 1856," with my objections to the same.

This bill proposes to authorize the president and directors of the Columbia Bank, whose location is by its charter fixed at Columbia, in Lancaster county, to establish an agency or branch in the city of Lancaster, subject to all the provisions of the charter of the bank. No public notice of the intended application for the

privilege to establish the proposed agency has been given, and as in my judgment public notice, according to the provisions of the Constitution and laws, is in such cases requisite, I cannot give the bill my approval.

The expression in the Constitution prohibiting the extension, as well as the creation and renewal of a corporate body with banking or discounting privileges, without six months' previous public notice of the intended application for the same, in such manner as shall be prescribed by law, cannot be confined in its operation to extension in time, which had already been provided for by the use of the term, renewed; but must be applied to any extension of the kind of privileges mentioned; otherwise there would be no occasion for notice of an increase of capital, or to authorize change of a bank of discount and deposit, to one of issue, which could hardly be contended for: accordingly the act of June 1, 1839, passed to carry out the requirements of the Constitution, directs that in the case of the renewal or extension of any such corporate body, the notice shall specify the amount of increase of capital, or extension of privileges if any be intended. As the notice is required to specify the location of the bank, and to be published in the county in which it is to be located, the establishment of an agency, changing the location of a portion of its capital, is in my opinion an extension of its privileges, in which the public have an interest sufficient to render the giving notice to them of the intended application, a proper pre-requisite; and the necessity of giving notice, is in such case within the spirit of the Constitution as it is within the clear letter of the law.

JAS. POLLOCK.



To the Assembly Vetoing "A Supplement to an Act to Repeal Certain Acts of Assembly upon the Non-payment of the Enrolment Tax."

Executive Chamber,  
Harrisburg, May 21, 1857.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill 1069, entitled "A supplement to an act to repeal certain acts of Assembly upon the non-payment of the enrolment tax, approved April 22, 1856," with my objections to the same.

By the act of April 22, 1856, the various private acts of Assembly then remaining in the office of the Secretary of the Commonwealth—unenrolled, and without the force or effect of law, because of the non-payment of the enrolment taxes imposed upon them under the act of April 16, 1845—were repealed; with a proviso that the repealing clause should not effect any of the said acts upon which the enrolment tax should be paid within one year thereafter.

This legislation was had in order to compel the payment of the taxes due the Commonwealth on those acts, amounting to nearly twenty thousand dollars, or in default thereof, by the repeal of the acts, get rid of a very serious inconvenience in the office of the Secretary of the Commonwealth.

Of the approval of this act notice was given through the public press of the State last year; and printed lists of the titles of the acts, the taxes due upon them, and the time when they would be repealed, were freely circulated over the Commonwealth by the Legislature since the commencement of its present session, and all parties interested were, or ought to have been, fully informed in relation thereto.

Under these circumstances the time allowed by the act of 1856, for the payment of the taxes due upon the

acts referred to, expired on the twenty-second of April last, leaving a number of then unenrolled, because of the non-payment of the tax due upon them. These latter are, therefore, in my opinion, fully and absolutely repealed, and it is not in the power of the Legislature to revive or re-enact them, or authorize their enrolment as laws, unless they shall again have severally passed through the forms prescribed by the Constitution of the Commonwealth, for the enactment of laws.

For these reasons I cannot approve this bill, and therefore return it for your further consideration.

JAS. POLLOCK.

Proclamation of the Cancellation of One Million Forty-Two Thousand Eight Hundred and Fifty-Seven Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

Pennsylvania, ss:

[Signed] Jas. Pollock.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JAMES POLLOCK, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas by An Act of the General Assembly of this Commonwealth passed the tenth day of April, A. D. 1849, entitled "An Act to create a sinking fund and to provide for the certain and gradual extinguishment of the public debt," and by the 46th section of the act of 1852,

providing for the ordinary expenses of government certain taxes and revenues therein specified were set apart and appropriated to the purpose of creating a Sinking Fund and when received by the Treasurer of the Commonwealth are ordered and directed to be paid over to the Secretary of the Commonwealth, the Auditor General and State Treasurer as Commissioners of said Sinking Fund who are also directed to receive the same and "purchase therewith the debt of the State of Pennsylvania at its market price if not exceeding the par value thereof to the full extent of said revenues and to hold and apply the same and the interest thereon accruing firmly and inviolably on the trusts and for the purposes" named in the said act of Assembly. And it was further provided by the said Act of Assembly "that it shall be the duty of the said Commissioners on the first Monday of September in the year One thousand eight hundred and fifty-one, and on the same day in every third year thereafter to certify the amount of the debt of the Commonwealth held by them to the Governor who shall direct the certificates representing the same to be cancelled and on such cancellation issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt."

And Whereas, by a subsequent Act of the General Assembly passed April 19th, A. D. 1853, entitled "An Act to provide for the ordinary expenses of Government," it was also provided as follows, to wit:

Section 98. That hereafter the receipts to the Sinking Fund to the amount that may be necessary to cancel the relief notes now in circulation under the provisions of the act of the fourth of May, 1841, and the re-issue under the Act of tenth April, 1849, shall be and are hereby appropriated toward the cancellation of said notes in the following manner, to wit: It shall be the duty of the State Treasurer on the first day of June

next and at the expiration of every three months thereafter until the whole amount of said notes shall have been cancelled to ascertain the amount of money in the treasury due to the Commissioners of the Sinking Fund and proceed to pay over to said Commissioners the amount so ascertained in the most defaced and worn of the relief issues which may be found in the Treasury at such period: Provided, That in case the amount of relief notes found in the treasury shall not equal the sum due to said Commissioners at the expiration of the aforesaid periods then and in that case the balance so due shall be paid in the Sinking Fund by said officers to be invested in State stock in the manner prescribed by the law creating said fund."

The proviso to which section was repealed by the 64th Section of the Act of 9th May, A. D. 1854, "to provide for the ordinary expenses of Government, &c."

And Whereas, A. G. Curtin, Jacob Fry, Jr., and H. S. Magraw, Commissioners of the Sinking Fund have certified to me as follows:

Treasury Department, Penna.,  
Harrisburg, Sept. 7th, 1857.

To His Excellency, James Pollock,

Governor of the Commonwealth of Pennsylvania:

Sir: As required by the fourth section of the Act entitled "An Act to create a Sinking Fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," approved the 10th day of April, A. D. 1849, the undersigned Commissioners of said Sinking Fund do hereby certify that the amount of the debt of the Commonwealth held by them to be the sum of One million forty-two thousand eight hundred fifty-seven dollars and sixty-four cents (\$1,042,857.64) as follows, to wit:



|   |                |
|---|----------------|
| Loans of 19th April, 1853, over due—<br>temporary, .....            | \$400,000 00   |
| Loans of 9th May, 1854, over due— tem-<br>porary, .....             | 164,000 00     |
| Certificates Stock Loans of 11th April,<br>1848, 6 per cent., ..... | 66,501 00      |
| Certificates Stock Loans of various<br>dates, 5 per cent., .....    | 9,316 64       |
| Relief notes cancelled and destroyed,..                             | 373,040 00     |
| Relief notes in Treasury set aside for<br>cancellation, .....       | 30,000 00      |
|   | <hr/>          |
|   | \$1,042,857 64 |
|   | <hr/>          |

A. G. Curtin,  
Jacob Fry, Jr.,  
H. S. Magraw,

Commissioners of the Sinking Fund.

Now Therefore as required by the said Act of Assembly I do hereby issue this proclamation declaring the payment extinguishment and final discharge of Six hundred and thirty-nine thousand eight hundred and seventeen dollars and sixty-four cents of the principal of the debt of this Commonwealth and have directed the Certificates representing the same to be cancelled. And further that under Act of 19th of April, 1853, the sum of Four hundred and three thousand and fifty dollars of relief issues of the Commonwealth have been cancelled and destroyed: Making in all the sum of \$1,042,857.64 of the principal of the debt of this Commonwealth which has been paid and extinguished.

Given under my hand and the Great Seal of the State at Harrisburg this nineteenth day of September, A. D. 1857, and of the Commonwealth the eighty-second.

By the Governor,

A. G. Curtin,

Secretary of the Commonwealth.

A Proclamation for Convening the Assembly to Adopt  
Measures of Financial Relief.

Pennsylvania, ss:

[Signed] Jas. Pollock.



I N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsyl-  
vania. JAMES POLLOCK,  
Governor of the said Com-  
monwealth.

A PROCLAMATION.



Whereas, A serious financial revul-  
sion has occurred, resulting in the sus-  
pension of specie payments by the  
banks of this and other States of the  
Union, and the failure of many long es-  
tablished commercial houses, leading  
to the destruction of confidence, and to the general  
embarrassment and depression of trade, and threaten-  
ing to affect disastrously the credit of the Common-  
wealth, and the great industrial interests of the people:

And whereas, An occasion so extraordinary requires  
prompt and efficient action to relieve an alarmed and  
suffering community; therefore,

I, JAMES POLLOCK, Governor of the Common-  
wealth of Pennsylvania, by virtue of the powers con-  
ferred on me by the Constitution, do hereby convene  
the General Assembly of this Commonwealth, and re-  
quire the members of the Senate and House of Repre-  
sentatives to meet in their respective houses in the  
Capitol, at Harrisburg, on Tuesday, the 6th day of Oc-  
tober, A. D. 1857, at 12 o'clock at noon of that day,  
then and there to take into consideration, and adopt  
such measures of relief in the premises as the present  
exigency may seem to them, in their wisdom, to de-  
mand.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Commonwealth to be affixed, at Harrisburg, this 28th day of September, in the year of our Lord, 1857, and of the Independence of the United States the eighty-second.

By the Governor,

Andrew G. Curtin,

Secretary of the Commonwealth.

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To the Assembly Concerning the Financial Depression of 1857 and Measures of Relief.

Executive Chamber,

Harrisburg, October 6, 1857.

Gentlemen:—

**B**Y VIRTUE OF THE POWER CONFERRED ON me by the Constitution, I have deemed it my imperative duty to convene the General Assembly at this time. An "extraordinary occasion" for so doing, as contemplated by the Constitution, has arisen, and accordingly you have been called together, to take into consideration, and adopt such measures of relief, as the present exigency may seem in your wisdom to demand. A sudden and severe financial revulsion has occurred, inducing a suspension of specie payments by the banks of this Commonwealth, and in some of our sister States. This result, however much to be regretted and deplored, was unavoidable, having become, from the operation of causes, unnecessary now to be enumerated, a stern necessity. Thus circumstanced, the community are suffering from the want of a currency, the destruction of confidence, and the numerous evils consequent on financial embarrassment. Every department of industry has felt and been disastrously affected by the shock. Trade and com-

merce have been paralyzed. The merchant, the manufacturer and the mechanic have seen their bright prospects suddenly blasted, and many have been involved in a ruin which no ordinary sagacity or foresight could avert. Many of our furnaces, rolling mills and factories have been closed. Extensive and valuable coal operations have been suspended or abandoned, and thousands of workmen are out of employment, oppressed with doubt and anxiety, and alarmed with gloomy apprehensions of the future.

It is not my intention to discuss in this communication, the causes of the present financial difficulties and commercial embarrassment. The evil is upon us. Troubles surround us; and to relieve the community, restore confidence, and bring back the prosperity lately enjoyed, and which it is hoped is but temporarily interrupted, prompt and harmonious action, wise and generous legislation will be required.

The present exigency requires, and every consideration of present and future interest to the Commonwealth and people would seem to demand, that the banks should be released from the penalties and forfeitures incurred by a suspension of specie payments; and that such suspension should be authorized for such reasonable period as will enable them safely to resume the payment of their liabilities in specie.

To force the banks into a too early liquidation, would compel them to require immediate payment from their debtors, and would entail upon the community the miseries of wide spread bankruptcy and ruin; while on the other hand, an unreasonable extension of the unnatural state of suspension would greatly increase the evils of an irredeemable paper currency. The resumption of specie payments should not be postponed longer than is clearly necessary, and the best interests of the community may require.

The general embarrassment and depression of trade



and commerce, and the consequent depreciation of the value of real and personal property, if permitted to continue, will seriously affect the revenues of the Commonwealth. The credit of the State, now so well sustained, and so honorable to her character, may be endangered, not by any inability to pay, but from the difficulty, if not the impossibility of procuring a medium in which payment can be made.—The faith of the State must be preserved intact.

I therefore recommend that the banks which may be relieved from the penalties imposed upon suspension by existing laws, shall be required to make a satisfactory arrangement with the State Treasurer, by which he will be enabled to convert the current funds in the Treasury, and balances standing to his credit in any of the solvent banks of the Commonwealth, into specie, as soon as the same shall become necessary for the payment of the interest on the funded debt.

And as further relief to the community, and as a condition of the release of the penalties and forfeitures incurred, it is respectfully recommended that the solvent banks of the Commonwealth, which paid specie for all their liabilities immediately prior to their late general suspension, be required, under such limitations and restrictions as may be deemed expedient, to receive the notes of each other, continuing solvent, at par in payment of all debts due or to become due to them respectively, during their suspension; the bank or banks resuming specie payments to be relieved from this condition.

For the relief of debtors, provision should be made for an extension of the time in which execution on judgments may issue; and of the period now provided by law for a stay of execution.

The issue of relief or bank notes of a less denomination than five dollars should not now be authorized, nor should the banks, during suspension, be permitted to declare dividends exceeding six per cent. per annum.

The moneyed institutions of the Commonwealth are, it is believed, generally in a sound and solvent condition; and if the measures suggested, be adopted, the banks will be enabled to meet all their liabilities—supply a currency adequate to the demands of legitimate trade and the ordinary business of life—regain public confidence—aid and revive every branch of industry—and save their creditors and the community from the bankruptcy and ruin, inevitably consequent on the intense pressure of the present financial crisis.

The questions submitted for your determination are important and momentous. They rise far above all partizan or political considerations or calculations. A suffering community, in this, the hour of their anxiety and peril, expect at your hands prompt and patriotic action for their relief.

Influenced by no other consideration than the public good, prompted by no other than honest and honorable convictions of public and private duty, may the result of your deliberations meet the expectations, relieve the wants and harmonize with the true interests of the people.

JAS. POLLOCK.

Proclamation of a Day of Thanksgiving.—1857.

Pennsylvania, ss.

[Signed] James Pollock.



I N THE NAME AND BY  
the authority of the  
Commonwealth of Penn-  
sylvania. JAMES POLLOCK,  
Governor of the said Com-  
monwealth.

#### A PROCLAMATION.



Fellow Citizens:—To render to Almighty God, who controls the destinies of nations and men, the homage of devout gratitude and praise for his goodness and mercy, is the appropriate and solemn duty of a free and highly-favored people. As the Giver of every good and perfect gift we should ever recognize His hand in our mercies, and acknowledge our dependence upon his providence, and although adversity may throw its dark shadows across our pathway, yet we should be assured of this, that "the Judge of all the earth will do right."

During the past year the bounties of a kind Providence have not been withheld from our Commonwealth. Our free institutions have been preserved, and our rights and privileges, civil and religious, enjoyed and maintained. The art and sciences, and the great interests of education, morality and religion, have claimed the attention and received the encouragement of an intelligent and liberal people. Honorable industry in its various departments have been rewarded, and although recent and severe financial revulsion has filled with gloom, sorrow, and distress, the hearts and homes of many of our citizens, yet no fear of famine, no dread of impending public or so-

cial calamity, mingles with our emotions of gratitude for past blessings, or weakens our trusts for the future in the providence of Him who wounds but to heal, and "whose mercy endureth forever." A plenteous harvest has crowned the labor of the husbandman, peace with its gentle and reforming influences, and unwonted health with its benefits and mercies, have been vouchsafed to us.

In acknowledgment of these manifold blessings, we should offer unto God thanksgiving and pay our vows unto the Most High and call upon Him; "in the days of trouble He will deliver thee and thou shalt glorify Him." Under the solemn conviction of the propriety of this duty, and in conformity with established custom and the wishes of many good citizens, I, JAMES POLLOCK, Governor of the Commonwealth of Pennsylvania, do hereby recommend Thursday, the 26th day of November next, as a day of general thanksgiving, and praise throughout this State, and earnestly request the people that, abstaining from their usual avocations and all worldly pursuits, they assemble on that day according to their religious customs, and unite in offering thanks to Almighty God for His past goodness and mercies, and while humbly acknowledging our transgressions, and imploring His forgiveness, beseech Him, with sincere and earnest desire, to return and visit us again with His loving kindness, make us worthy of His bounties, and continue to us the rich blessings of His providence and grace.

Given under my hand and the Great Seal of the State at Harrisburg, this nineteenth day of October, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Commonwealth the eighty-second.

By the Governor,

John M. Sullivan,

Deputy Secretary of the Commonwealth.



## Annual Message to the Assembly.—1858.

Gentlemen:—

**B**Y THE SUFFRAGES OF YOUR FELLOW CITIZENS, you have been charged with the duty of representing them and the interests of the Commonwealth, in the legislative branch of the government. The responsibilities you have assumed, and the duties to be performed, should ever be regarded as paramount to every selfish or partizan consideration. The prosperity of the State, and the general welfare of the people, should receive your earnest attention, and be the aim and end of your legislative action. To promote these objects, I will cheerfully, in every legal and constitutional manner, during the continuance of my official term, co-operate with you.

The past year, with the exception of recent financial embarrassment, has been one of general prosperity. No foreign wars—no fraternal strife has disturbed the peaceful quiet of our homes. Unwonted health, with its blessings, has been vouchsafed to us. Seed time and harvest have not failed—the earth hath yielded her increase, and richly rewarded the labor of the husbandman. The arts and sciences have been advanced, and the great interests of education, morality and religion liberally encouraged and sustained. Our nation in its unity—our free institutions in their integrity, with our rights and privileges, civil and religious, have been preserved. Recognizing in these blessings the goodness of Almighty God, we should render to Him the homage of grateful hearts and the devotion of our sincere praise; and whilst humbly acknowledging His mercies to us as a people, let us still further express our gratitude to Him, by acts of individual charity and kindness to the poor and helpless in our midst. Sorrow now fills the hearts and adversity darkens the homes of many of our citizens. Our liberality should be generous—our benefactions muni-

ficent; and thus, whilst the wants of the poor and suffering are relieved, the generous giver will find a rich reward in the pleasure that results from communicated good.

The finances of the Commonwealth are in a very satisfactory condition. During the past year, every demand upon the Treasury has been promptly paid from the revenues derived from the ordinary sources. The operations of this department will be presented to you, in detail, in the report of the State Treasurer.

For the fiscal year ending November 30th, 1857, the receipts at the Treasury, including balance in the Treasury on the first day of December, 1856, of \$1,244,795.42, were \$5,935,383.26. The aggregate expenditures for the same period, were \$5,407,276.79. Balance in the Treasury, December 1, 1857, \$528,106.47. Excluding the balance in the Treasury on the first day of December, 1856, the receipts from all sources were \$4,690,587.84. The ordinary expenditures for the same period were \$3,992,370.29, exhibiting an excess of receipts over expenditures of \$698,217.55. The extraordinary payments for the year were \$1,414,906.50, as follows, to wit: To the completion of the Portage railroad, \$49,061.92; to the North Branch extension, \$138,798.85; to re-lay the south track of the Columbia railroad, \$91,405.46; to enlarge the Delaware division, \$46,263.00; for motive power in 1856, \$81,604.24; for repairs in 1855 and 1856, \$49,564.78; for the redemption of loans, \$820,097.03; damages on public works, \$46,552.65; old claims on the main line adjusted under the several acts of Assembly, \$46,548.57, and for the new State Arsenal and Farmers' High School, \$45,000.00.

The interest on the funded debt due in February and August last, was then promptly paid, and that falling due on February next, will be paid out of available

means now in the Treasury. Virtue of the provisions of the act of the 13th of October, 1857, entitled "An Act providing for the resumption of specie payments by the banks, and for the relief of debtors," the State Treasurer will be enabled to pay the interest due in February, in specie, or its equivalent. The credit of the Commonwealth has been fully and honorably sustained. The promptness with which every legitimate demand upon the Treasury has been met, has inspired public confidence in our securities; and although recent and existing financial revulsion may embarrass the operations of the Treasury, and reduce, to some extent, the revenue, yet the ability of the State to meet her engagements and maintain her credit, under an honest and economical administration of her finances, is undoubted. The honor and credit of the State must and can be preserved intact.

The Commissioners of the Sinking Fund report the sum of \$414,920.29 as now in the Treasury to the credit of that fund. This amount will be applied to the redemption of relief notes yet in circulation, and to the payment of the funded debt of the Commonwealth.

The commissioners of this fund, on the 7th day of September last, reported to me that the sum of one million forty-two thousand eight hundred and fifty-seven dollars and sixty-four cents, (\$1,042,857.64) of the debt of the Commonwealth, was held by them, as follows, viz:

|   |              |
|---|--------------|
| Loans of 19th of April, 1853, over due,   |              |
| temporary, .....                          | \$100,000 00 |
| Loans of 9th of May, 1854, over due       |              |
| temporary, .....                          | 164,000 00   |
| Certificates of stock, loans of April.11, |              |
| 1848, 6 per cent., .....                  | 66,501 00    |
| Certificates of stock, loans of various   |              |
| dates, 5 per cent., .....                 | 9,316 64     |

|  |                       |
|--|-----------------------|
| Relief notes cancelled and destroyed,                          | 373,040 00.           |
| Relief notes in Treasury, set aside for<br>cancellation, ..... | 30,000 00             |
| Total, .....   | <u>\$1,042,857 64</u> |

As required by law, I directed the certificates and evidences of this indebtedness to be cancelled; and on the 19th of September, 1857, issued my proclamation declaring the payment, extinguishment and final discharge of one million forty-two thousand eight hundred and fifty-seven dollars and sixty-four cents, \$1,042,857.64) of the public debt.

In addition to the amount reported to be in the Treasury to the credit of the sinking fund, and applicable to the payment of the public debt, the commissioners of the fund now hold the sum of seven and one-half millions of dollars, (\$7,500,000.00). bonds of the Pennsylvania railroad company, pledged by law to the payment of the funded debt of the Commonwealth.

By the fourth section of the eleventh\* article of the Constitution, as amended and ratified by a majority of the qualified voters of the State, at the general election held on the second Tuesday of October, 1857, it is made the duty of the Legislature at its first session after the adoption of this amendment, to create a sinking fund, which shall be sufficient to pay the accruing interest on the present public debt, and any additional debt thereafter constitutionally contracted, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars, (\$250,000.00), which "sinking fund shall consist of the net annual income of the public works from time to time, owned by the State, or the proceeds of the sale of the same, or any part thereof, and of the income or proceeds of sale of stocks owned by the State, together



with other funds or resources that may be designated by law. The said sinking fund may be increased from time to time by assigning to it any part of the taxes or other revenues of the State, not required for the ordinary and current expenses of government, and, unless in case of war, invasion or insurrection, no part of said sinking fund shall be used or applied otherwise than in extinguishment of the public debt, until the amount of such debt is reduced below the sum of five millions of dollars," (\$5,000,000.)

This being the first session of the Legislature since the adoption of this amendment, the duty therein enjoined devolves upon you, and should be promptly and faithfully discharged.

The funded and unfunded debt of the State, including temporary loans, on the first day of December, 1856, as per reports of Auditor General and State Treasurer, was as follows, viz:

#### Funded Debt.

|   |               |
|---|---------------|
| Six per cent. loans, ...                  | \$511,781 00  |
| Five per cent. loans, ..                  | 38,866,994 50 |
| Four and a half per<br>cent. loans, ..... | 388,200 00    |
| Four per cent. loans, ..                  | 100,000 00    |

---

Total funded debt, ..... \$39,866,975 50

#### Unfunded Debt.

|   |              |
|---|--------------|
| Relief notes in circula-<br>tion, .....       | \$220,556 00 |
| Interest certificates out-<br>standing, ..... | 24,691 37    |
| Interest certificates un-<br>claimed, .....   | 4,448 38     |
| Domestic creditors, ...                       | 1,164 00     |

|                            |                 |
|----------------------------|-----------------|
| Balance temporary loan,    |                 |
| April 19, 1853, .....      | 400,000 00      |
| Balance temporary loan,    |                 |
| May 9, 1854, .....         | 184,000 00      |
| <hr/>                      |                 |
| Total unfunded debt, ..... | 834,859 75      |
|                            | <hr/>           |
|                            | \$40,701,835 25 |
|                            | <hr/>           |

The funded and unfunded debt, at the close of the last fiscal year, December 1, 1857, was as follows, viz:

#### Funded Debt.

|                           |                 |
|---------------------------|-----------------|
| Six per cent. loan, ....  | \$445,180 00    |
| Five per cent. loan, .... | 38,773,212 52   |
| Four and a half per       |                 |
| cent. loan, .....         | 388,200 00      |
| Four per cent. loan, ...  | 100,000 00      |
| <hr/>                     |                 |
| Total funded debt, .....  | \$39,706,592 52 |

#### Unfunded Debt.

|                                   |                 |
|-----------------------------------|-----------------|
| Relief notes in circula-          |                 |
| tion, .....                       | \$146,421 00    |
| Interest certificates out-        |                 |
| standing, .....                   | 23,473 82       |
| Interest certificates un-         |                 |
| claimed, .....                    | 4,448 38        |
| Domestic creditors, ...           | 802 50          |
| <hr/>                             |                 |
| Total unfunded debt, .....        | 175,145 70      |
| <hr/>                             |                 |
| Total debt December 1, 1857, ...  | \$39,881,738 22 |
| <hr/>                             |                 |
| Total debt December 1, 1856, ...  | \$40,701,835 25 |
| Total debt December 1, 1857, ...  | 39,881,738 22   |
| <hr/>                             |                 |
| Decrease during late fiscal year, | \$820,097 55    |
| <hr/>                             |                 |

These statements exhibit the gratifying fact, that during the past fiscal year, the public debt has been reduced eight hundred and twenty-thousand ninety-seven dollars and fifty-five cents. During the same period large appropriations and payments were made on account of our public improvements, for old and unsettled claims adjusted under the act of last session, and for other extraordinary purposes.

The condition of the treasury prior to the suspension of specie payments by the banks, justified the appropriation of at least two hundred thousand dollars more in payment of the public debt, and arrangements were made by the Treasurer, under the direction of the Commissioners of the Sinking Fund, to liquidate that amount; but after the suspension, and the consequent financial embarrassment of the country, the proposed payment, from prudential motives, was postponed. Had this payment been made, in addition to the payments already reported, the statements and calculations submitted in my last annual message, in relation to the early payment and final extinguishment of the public debt would this far have been sustained by their actual verification. The causes that prevented their realization, it is believed, will soon cease to affect injuriously the revenues of the Commonwealth. Actuated by that indomitable energy that has ever characterized the American people—faltering for a moment, but not disheartened by the adverse circumstances that surround us—roused to more vigorous action by disaster and defeat, our progress cannot long be checked, nor our prosperity long be interrupted. Confidence, the sensitive, yet powerful agency that binds in unity and strength the great financial, commercial and industrial interests of our country and the world, has been suddenly impaired, producing financial and commercial distress, and affecting the revenues of the Commonwealth; but with

the advantages resulting from the rapid development of our resources during the last quarter of a century—the immensely valuable increase of our agricultural, mining and manufacturing industry during the same period—the abundant harvests of the past year—our completed improvements, and all the elements of material wealth in our midst, its restoration at an early period is not problematical. Returning confidence will be the herald of returning prosperity. Notwithstanding, then, the present embarrassment and gloomy condition of the country, after a careful consideration of the present and prospective condition of the finances and resources of the Commonwealth, I cannot hesitate to re-affirm my belief “that the time is not far distant when Pennsylvania will stand redeemed from the oppression of her public debt, and her people be relieved from a taxation imposed to meet its accruing interest and maintain the faith and credit of the Commonwealth,” and that “by practising strict economy in all departments of the government—avoiding extravagant expenditure—refusing to undertake any new schemes of internal improvement, and holding to a rigid accountability the receiving and disbursing agents of the State, the realization of these views may be anticipated with confidence.”

As corroborative of the opinion now and heretofore expressed, a brief review of the operations of the Treasury during the past three years, as connected with the payment of the debt of the Commonwealth, may not be inappropriate. In my first annual message to the Legislature the fact was stated, that during the three years intervening between December 1, 1851, and December 1, 1854, the public debt had been increased one million five hundred and eighty-four thousand three hundred and fifty-nine dollars and thirty-four cents; and that the total debt at the close of the fiscal year, December 1, 1854, was forty-one mil-



lions six hundred and ninety-eight thousand five hundred and ninety-five dollars and seventy-four cents, (\$41,698,595.74). At the close of the late fiscal year, December 1, 1857, three years later, the funded and unfunded debt, as before shown, was thirty-nine millions eight hundred and eighty-one thousand seven hundred and thirty-eight dollars and twenty-two cents (\$39,881,738.22); decrease in three years, one million eight hundred and sixteen thousand eight hundred and fifty-seven dollars and fifty-two cents \$1,816,857.52).

Thus in three years the public debt has been decreased, by actual payment and without resorting to the expedient of temporary loans, one million eight hundred and sixteen thousand eight hundred and fifty-seven dollars and fifty-two cents. If to this be added the sum of four hundred and fourteen thousand nine hundred and twenty dollars and twenty-nine cents (\$414,920.29) now in the sinking fund and applicable to the payment of the funded debt, the reduction will be two millions two hundred and thirty-one thousand seven hundred and seventy-seven dollars and eighty-one cents (\$2,231,777.81).

These facts are not only gratifying, but encouraging. It has already been stated that there is in the sinking fund the sum of seven millions five hundred thousand dollars—bonds of the Pennsylvania railroad company, bearing interest at the rate of five per centum per annum, payable semi-annually, and pledged to the payment of the funded debt. If this sum be added to the reduction before stated, we have presented to us a virtual if not an actual decrease of the State debt, of nine millions seven hundred and thirty-one thousand seven hundred and seventy-seven dollars and eighty-one cents (\$9,731,777.81); showing the total funded and unfunded debt of the State on the first day of December, 1857, to have been thirty-one millions nine hun-

dred and sixty-six thousand eight hundred and eighteen dollars and forty-one cents (\$31,966,818.41).

In anticipation of the sale of the main line and the decrease in the public debt, the State tax, by an act of the last regular session, was reduced from three to two and one-half mills on the dollar; a reduction equal to one-sixth of the tax imposed for State purposes prior to that act. These facts speak for themselves. Well may the people be congratulated on such an auspicious beginning in the process of liquidation, and well may they with confidence anticipate the day of their deliverance from State taxation. Financial and commercial embarrassment may postpone—nothing but unwise legislation, and imprudent or dishonest management of our finances, can prevent the early realization of their well founded anticipations.

The condition of the public works, their general operation, the receipts and expenditures during the past fiscal year, will be presented to you in detail in the report of the Canal Commissioners.

The total receipts at the Treasury, from the public works, for the year ending November 30, 1857, including receipts from the main line up to the first day of August last, were one million three hundred and eight thousand five hundred and ninety-eight dollars and sixty-two cents (\$1,308,598.63). The aggregate expenditures for the same period were one million three hundred and twelve thousand seven hundred and five dollars and sixty-seven cents (\$1,312,705.67); the expenditures exceeding the revenues four thousand one hundred and seven dollars and five cents (\$4,107.05).

The receipts at the Treasury from the several divisions were as follows, viz:

|                                     |              |
|-------------------------------------|--------------|
| Main line, to August 1, 1857, ..... | \$796,550 33 |
| Susquehanna and North and West      |              |
| Branch divisions, .....             | 287,718 95   |
| Delaware division, .....            | 224,329 34   |

The receipts from the Delaware division are less than those of the previous year. The completion of rival railroads and other causes, have lessened the receipts from this important division of our public works; and it is feared will continue to decrease them. Its management has been satisfactory, and compared with other divisions of the public improvements, economical. The net revenue, at the Treasury, was \$174,001.87, a decrease of \$90,093.53, as compared with the receipts of the preceding year. In addition to the ordinary expenditures, the sum of \$46,263 was paid for the enlargement and improvement of this division.

The North Branch extension of the Pennsylvania canal, although so far completed in the fall of 1856 that boats freighted with coal and other products were successfully passed through its entire length from Pittston to the Junction canal, yet in consequence of a large portion of the "Horse Race dam" having been carried away by the freshet of last spring, business on the canal was suspended the greater part of the past year. It was repaired during the summer, and in the fall business was resumed along its entire length. Soon after the same dam was again extensively injured by a sudden and heavy freshet, and the greater part of the canal rendered useless for business. An appropriation will be required to re-construct the dam.

This canal, although useful and valuable, appears to be doomed to failure and disaster. These are the fruits of former mismanagement and fraud in its construction. Every effort has been made to repair the errors of its early management, and to complete and render useful this division of our public works. Under proper management it can be successfully accomplished.

In pursuance of the act of the 16th day of May, 1857, providing for the sale of the main line of the public works, after giving the notice required by law, I caused

the said main line to be exposed to public sale, at the Merchants' Exchange, in the city of Philadelphia, on the 25th day of June last, and sold the same to the Pennsylvania railroad company, for the sum of seven millions five hundred thousand dollars, the highest price bid for the same, and the minimum price fixed in the act.

After a full compliance by the purchasers with the conditions of the act authorizing the sale, and the delivery of their bonds in number and for the amounts equal to and falling due at the time provided for the payment of the respective instalments, the Secretary of the Commonwealth, on the 31st day of July, A. D., 1857, as directed by the act, transferred, under the great seal of the State, to the Pennsylvania railroad company, their successors or assigns; the whole main line of the public works, between Philadelphia and Pittsburg, together with all the right, title and interest, claim and demand, of the Commonwealth of Pennsylvania, to all property, real, personal and mixed, belonging to or used in connection with the same by the Commonwealth; and the purchasers having given notice of their readiness to take possession of the said works, possession of the same was accordingly delivered to the company, on the first day of August last, of which notice was given to all superintendents and agents of the Commonwealth, by proclamation bearing date the 31st day of July, 1857, as required by the law authorizing the sale.

The bonds of the Pennsylvania railroad company, in the sum of seven and one-half million of dollars were received by the State Treasurer and are held by him for the Commissioners of the Sinking Fund; the entire proceeds of the sale being required by the twelfth section of the act to be paid to the sinking fund and applied to the payment of the State debt.

I cannot forbear congratulating the people of the



Commonwealth on the consummation of this sale. Public sentiment, as expressed through the ballot box, and in other forms equally significant, demanded it—public policy and the interests of the Commonwealth required it. It is done. The many approve—few complain—those most who have gained an unenviable reputation by a reckless disregard of the public interests, as exhibited in the extravagant, useless and fraudulent expenditures of the public money for selfish or partizan purposes.

The sale of the main line has directed public attention to the importance and necessity of disposing of the remaining divisions of the public improvements. The reasons and policy that required and justified the sale of the one, apply with equal force to the sale of the other. The propriety of separating the State from the care and control of the public works, is not only evident to all who have given the subject a candid and impartial consideration, but the necessity is clearly established by the history of their construction and management. They have failed to be a source of revenue to the Commonwealth, and if retained by the State, will require an expenditure in their repair and management, largely exceeding any revenue, that under the most favorable circumstances, can be derived from them. In any phase of the question, this separation is desirable; but in connection with the payment of the public debt, and the reduction of State taxation, it becomes an object of more than ordinary interest. A sale, at the earliest practical period, of the whole of our public works, for a fair consideration, upon terms just and liberal to the purchasers, and at the same time amply protective of the rights and interests of the people, should be authorized by the Legislature. Such sale, with the application of the proceeds to the payment of the public debt, would secure its still more rapid extinguishment. The subject is recommended to your unbiased consideration.

The law incorporating the Pennsylvania railroad company, imposed a tax of three mills per ton, per mile, on all tonnage passing over that road, as an equivalent for any decrease in the revenues of the Commonwealth, that might arise from the anticipated competition of the road with the business of the main line of the public improvements. This tax is not imposed upon the company, but upon the tonnage, and is paid by the owners of the freight transported over the road; the company acting as agents in its collection and payment to the State. It is virtually a tax upon the trade and commerce of the Commonwealth, and upon the commerce of other States, whose productions seek an eastern market over this road; and thus by increasing the rate of charges and the cost of transportation, the produce of the west is forced upon the competing railroads of other States and to other markets than our own. The necessity that required this tax, as regards the Commonwealth and her improvements, has ceased. Its continuance can only be justified as a revenue measure. It should be the policy of the State to invite the transmission of the products of other States through her territory to her own markets, and, therefore, the propriety of relieving the trade and business of the Commonwealth from this tax upon it, is respectfully submitted for your consideration.

In consequence of the suspension of specie payments by the banks of this, and the other States of the Union, and the financial embarrassment and general prostration of business, I deemed it my duty to call, as authorized by the Constitution, an extra session of the Legislature, to meet at Harrisburg on the sixth day of October last. Although the relief provided by this extraordinary session of the General Assembly, was not as ample as the exigency of the case required, yet it was productive of many beneficial results, and served

to allay the intense excitement and alarm that pervaded the entire community. By the act providing for the resumption of specie payments by the banks, all banking institutions accepting the provisions of that law, were required to pay into the Treasury one-fourth of one per cent. on their capital stock. The amount realized by the payment of this bonus has not only defrayed all the expenses of that session, but will leave a balance in the Treasury of not less than thirty-five thousand dollars—a result certainly not injurious to the finances of the Commonwealth.

My views expressed in former communications on the subject of banks and banking capital, in their relations to the currency and the general interests of trade, remain unchanged. However diverse our opinions may be on this subject, it must be admitted by all, that the banking and credit systems are so intimately interwoven with the business and commerce of the country, that their sudden separation, or a rash innovation, would produce consequences of fearful magnitude. That the present system of banking is perfect, is not pretended; that it could be essentially modified and improved, will not be denied. The present derangement of the currency may and will suggest the necessity of reform, not only in the system itself, but in the management of our banking institutions.

Unlimited credits by corporations or individuals have and will ever be an unmitigated evil. They contribute to bank expansions, rash speculations, extravagant living and excessive over-trading; always sure to be followed by ruinous revulsions. What the remedy should be, I do not deem it my province, under existing circumstances, to suggest; but to be permanent and effectual, it must accord with the natural and necessary laws of trade. The currency of a country form no exception to these laws, and should be left to their operation and control, so far as may be con-

sistent with the public good. It is, therefore, that a system of free banking, based on undoubted public securities, and coin in such proportion to circulation and deposit as may be deemed sufficient to secure their conversion into specie, on demand, with proper limitations and restrictions, is deemed preferable to the present system. Its introduction would correct many existing abuses not only in the system itself, but in the present mode of banking. These questions, however, with the remedies necessary to prevent a recurrence of the evils under which we now suffer, together with the nature and extent of the relief, if any, that may yet be required by the banks of the Commonwealth, to enable them to resume the payment of their liabilities in specie, are all referred to the wisdom of the Legislature. They are practical and important business questions, and as such should receive your intelligent consideration.

The present condition of our Commonwealth and country deserves at least passing remark. A severe financial revulsion has occurred, inducing a suspension of specie payments by the banks, not only of this Commonwealth, but of all the States of the Union, deranging the currency and affecting disastrously all the great interests of commerce and the industrial pursuits of the citizen. Labor is without employment, and thousands of strong, active men are now asking for work or bread. The causes assigned for these evils are almost as various as the interests or prejudices of those who undertake their explication. To whatever cause or causes they may be referred, it is neither just, nor proper to charge all our present financial and commercial distress to the banks and their management. However much they may have contributed, other causes have operated still more directly and powerfully to produce these results; and among them first in importance and influence is the present system of



low duties, in connection with the warehousing system adopted as the policy of the General Government in 1846. The abandonment of the protective policy, as embodied in the tariff act of 1842, was resisted by Pennsylvania with a unanimity almost unparalleled in her history. Her representatives in both branches of the National Congress strenuously opposed the repeal of that act. The evils under which we are now suffering were predicted, as a consequence of such repeal. But other counsels prevailed, the act was repealed, and the industry of the country exposed to a ruinous competition with the cheap labor of foreign nations. The disastrous effects of the repeal were postponed by the operation of causes well understood by every intelligent citizen. Famine abroad created an unprecedented demand for our breadstuffs, and the gold of California, although it may have added to the excitement of our progress, and contributed its full share in producing existing financial and commercial embarrassment, in millions, supplied the means of paying the overwhelming balances against us on foreign importations. Under the present system of low duties, the excess of imports over exports has been beyond the most extravagant wants of the country. They have been enormous and ruinous—destructive of domestic industry, and involving the home manufacturer and home labor, in one common ruin. We have imported more than we could pay for, and much more than we needed. Pennsylvania abounds in iron ore. Iron and its manufacture are justly regarded as important elements of her material wealth; and from her abundance, if properly fostered and protected by a wise national policy, could supply the markets of the world; and yet, since the passage of the act of 1846, we have imported of iron and steel, and their manufactures, more than two hundred millions of dollars in value, paid for in gold or our bonds and stocks, now held by

foreign capitalists—the interest on which but adds to the burdens imposed upon us by our foreign indebtedness. The same is true of many other important branches of home industry. Many millions in value of cotton and woolen goods have, during the same period, been imported, that should have been made in our own workshops, should have been woven on American, and not on British, French or German looms.

As an example of the practical working of the system, official documents exhibit the fact that during the past four years, the imports of foreign merchandise exceeded our exports one hundred and eighty-four millions two thousand seven hundred and sixty-eight dollars; and as a consequence, the drain of the precious metals was correspondingly great. The amount of specie sent out of the country during that period, was two hundred and thirteen millions three hundred and sixty-four thousand three hundred and eighty-four dollars;—specie imported, twenty-six millions nine hundred and twenty-seven thousand four hundred and twenty-seven dollars: leaving a balance against us on specie account of one hundred and eighty-six millions four hundred and thirty-six thousand nine hundred and fifty-seven dollars. This depleting process, aggravated by excessive importations, unsettled the currency and induced an inflated paper circulation, resulting in bank suspensions and financial embarrassment. But the evil does not end here. An inflated paper currency, by cheapening the price of money, increases in this country the cost of production, and thus, whilst the American manufacturer is exposed, under a system of low duties, to a ruinous competition with the cheap labor of Europe, he is paid for his goods in a currency less valuable than that paid to his foreign competitor. As a necessary result, the home fabric is driven from the market, and the home manufacturer ruined. The operation of these causes,

stimulated by low duties, is sufficient to destroy the industrial energies of any people.

With these facts before us, it is no matter of surprise that our mills, factories and furnaces have been closed, and thousands of honest laborers thrown out of employment; that commerce has scarcely an existence, that bankruptcy and ruin are around us, and our general prosperity paralyzed. To avoid these disasters, to which we have been periodically exposed, reform not only in our system of banking, but in our revenue laws, becomes indispensable.

If the principle of the act of 1842 had been preserved—even if its rate of duties had been reduced—our specie, by millions, would not have gone into foreign coffers to build up and sustain the foreign manufacturer; home industry would be prosperous, and the cry “we want work,” issuing from a thousand lips in our large cities and manufacturing districts, would not now be heard; nor would a foreign debt of nearly five hundred millions of dollars exist, to startle and alarm us. That system that practically prefers foreign to home labor; that keeps our workshops in Europe, instead of building and supporting them here; that takes our gold to pay the wages of the British laborer, whilst our own are without employment and without bread; that fills the country with foreign merchandise, to the exclusion of the home fabric; that lays the British railroad upon the road through our iron districts, and by our rolling mills, whilst they are silent and deserted, and that invites to speculation and extravagance, is at war with every true American interest, and should be at once abandoned.

A period of low duties has always been marked by excessive importations; large exports of specie; overtrading; bank expansions and suspensions, and financial and commercial revulsions. Under the protective policy, these peculiar and startling characteristics of

free trade have all be wanting. The history of the country establishes these facts. A well regulated tariff, adjusted to protect the productive industry of the country, is not only the true policy of the government, but is a better regulator of the currency, and a more certain security against bank expansions, than any system of pains and penalties yet devised for the control of banking institutions, or the operations of capital. To this we should return. Pennsylvania is yet true to her ancient and long cherished convictions of its propriety and necessity. She may have been misled. Political and partizan pressure may have forced her from her true position. This was her misfortune, not her fault. She sees and feels the wrong, and with an emphasis, intensified by her injuries, will demand redress; protection for herself, and the great industrial interests of her people.

The agricultural interests of the country should ever be fostered and sustained by the State. They are first in necessity and usefulness, and constitute the basis of State and National prosperity. Upon their progress and development depend the success of our mechanical, manufacturing and commercial interests.

Agriculture, in its varied and multiplied relations, is the unfailing source of national wealth, and to its promotion all should contribute. Individual enterprise and liberality, State and county associations, have done much to advance this important branch of productive industry; have collected and circulated much valuable information; and encouraged by their honorable exertions, the progress of scientific and practical agriculture. Science and art have nobly professed their aid—the State should not withhold her encouragement and support.

I have heretofore recommended the establishment of an agricultural bureau, in connection with some of the State Departments, to give efficiency to the col-



lection and diffusion of useful knowledge on this subject. Impressed with the necessity and usefulness of such a bureau, I again earnestly recommend it to your favorable consideration.

"The Farmers' High School of Pennsylvania," an institution corporated by the Legislature of 1855, is entitled to the especial attention of the friends of agriculture. In the teachings of this institution, the scientific and the practical are united; whilst the art of farming, and all that pertains to the management, business and work of a farm, will be the subject of instruction, the natural sciences, in their relation and application to practical agriculture, will also be taught. The student of the institution will be enabled to test, in his daily occupation, the truth and value of the knowledge communicated.

Much of the land connected with the school has been successfully cultivated during the past year. Orchards of every variety of fruit, and hedges, have been planted, and many valuable improvements made. A double storied barn, large and convenient, as also the farmer's house and part of the out-buildings, have been erected and occupied.

From the report of the trustees we learn that "a contract has been made for the erection of an edifice calculated for the residence of professors, lecture halls, and dormitories for students, to be built of stone, four stories high, two hundred and thirty-three feet in front, with wings, and to cost fifty-five thousand dollars. This building is already in progress, and it is hoped that a part of it may be put under roof and be so far completed as to enable the board to make arrangements to receive a few students before the close of the current year." The Legislature, at their last session, appropriated fifty thousand dollars to this institution, one-half of which has been paid; the remaining twenty-five thousand dollars to be paid on

condition that an equal sum be realized from other sources, within three years from the passage of the act making the appropriation.

The objects and character of this institution—its relation to agricultural knowledge, and as the pioneer in the great work of agricultural education, commend it to the generous patronage of the Legislature, and to the confidence and liberality of the people of the Commonwealth.

The report to be submitted by the Superintendent of Common Schools will present a clear and satisfactory statement of the general operation of the system during the past year.

The separation of the School from the State Department, by the act of the last session, was a just tribute to the importance and value of our common school system. The great educational interests of the State, the care and guardianship of the intellectual, social and moral improvement of the youth of the Commonwealth, should occupy a prominent and independent position among the departments of the government. If the care of the treasure of the Commonwealth, the development of her material wealth, and the advancement of her politico-economical interests, have received from the government the marked and distinctive recognition of their importance, how much more should the mind of her youth—with its wondrous activities—its constantly unfolding energies, and its infinite superiority to the material and physical, claim a still higher consideration, and receive from the representatives of the people, a more honored recognition.

As an independent department, greater efficiency will be given to the system—a more direct and immediate supervision will be secured—the details of its operation more carefully observed—its deficiencies discovered—its errors corrected—the accomplishment of its noble purposes and objects rendered more certain,

and the system itself saved from the dangerous and debasing influence of political excitement and partizan prejudice.

The county superintendency, tested by experience, has realized the just expectations of the friends of the measure, and may now be regarded as a permanent and indispensable part of the system. When committed to competent men, it has accomplished a noble work in promoting the success and usefulness of our common schools; and wherever the duties of the office have been faithfully performed, the character of the schools have been elevated, their number and the number of scholars increased, and the confidence and encouragement of the public secured. In the hands of incompetent men, these results have not been obtained; but, on the contrary, opposition has been provoked, and the cause of common school education retarded. This office should not be committed to any but men thoroughly qualified by education and experience for the performance of its arduous and responsible duties; and if the school directors of any county, in disregard of their obligations, from opposition either to the system or the office, select an incompetent person for the place, the odium of the act, and of failure to secure the benefits resulting from a proper and intelligent administration of the office, should rest upon them, and not upon the law authorizing the appointment. The defects of the system, when clearly established, should be promptly corrected; but change is not always reform; and innovation, induced by selfishness or prejudice, may endanger its permanency and destroy its efficiency.

The act of the 20th day of May, 1857, providing for the due training of teachers for the common schools of the State, by encouraging the establishment of Normal schools within the districts designated in the law, has received the cordial approbation of all interested

in the success of our common schools. The passage of that act inaugurated a new era in the history of common school education in Pennsylvania. It is a movement in the right direction; full of encouragement and hope for the greater perfection and usefulness of the system. Large and enthusiastic meetings of the friends of education have been held, in many of the districts, to promote the establishment of Normal schools, as contemplated by the act; and liberal sums of money have been subscribed to secure this desirable object. A noble work has been commenced, and sustained by individual enterprise and liberality—encouraged by the State, and vindicated by its own intrinsic merit, it must go on until State Normal schools, in number and efficiency, equal to the supply of well-trained teachers, shall become the just pride and boast of Pennsylvania.

The organic structure of our system is as perfect, perhaps, as human legislation can make it; but it needs the competent and thoroughly trained teacher to give it greater vitality and efficiency, and secure the full accomplishment of the purposes of this creation. The teacher, the properly educated, the well trained, the scientific teacher, is the great want of the system. We need the teaching mind, not the automaton movements of mere physical organization or antiquated routine, to direct and control the intellectual energies of the youth of the Commonwealth. We require mind, educated mind, in our schools, that knowledge may be communicated, not only effectively and practically, but that in training the young, they may be taught to think—and how to think—to investigate, and know for themselves, and thus be fitted and prepared for the high and responsible duties of the man and the citizen.

This deficiency can only be supplied by State Normal schools for the education of teachers To them



we must look. The future is full of hope. Much has already been done to provide for their establishment and support. In connection with honorable individual effort, more legislative encouragement may be required. It should be given cheerfully and promptly. No subject of greater interest can claim your attention; no one appeals with more reason and truth, to duty and patriotism.

Teachers' institutes, as auxiliary to Normal schools, should be aided by the State. Through their agency, sustained by the noble and self-denying efforts of the teachers themselves, much good has been accomplished in educating and training teachers, and in dignifying a profession too long undervalued by those most deeply interested in their useful labors.

In the great work of popular education, there should be no retrograde movement in Pennsylvania—no yielding to the impotent clamor of ignorance, selfishness or prejudice, in their attempts to stay its progress. These, one and all, may denounce and condemn, but virtue, patriotism, truth, bid you onward. Let the system be maintained in its unity and usefulness; let it be improved and perfected in its details; but let no act of yours impair its strength, or mar the beauty and harmony of its proportions.

Based as our institutions are, on the will of the people—dependent for preservation on their virtue and intelligence—knowledge with us should occupy the high position to which it is so pre-eminently entitled. Knowledge, founded upon the pure principles of eternal truth, is the crowning glory of the citizen—the safeguard and defence of the State. Education, full and free to all, is the boon we ask for the children of the Commonwealth—it is the duty, paramount to all others, the State owes to her citizens. The aid of the Commonwealth should be liberally bestowed. The subject, in all its relations, is warmly commended to the generous care and patronage of the Legislature.

Legislation, whilst properly encouraging the development of the material wealth of the State, should recognize the still higher obligation to improve the social, intellectual and moral condition of the people. The amelioration of human suffering, the reformation of the erring, and the correction of youthful viciousness, are objects that deserve the attention of the philanthropist and statesman. To secure these results, the educational, charitable and reformatory institutions of the Commonwealth should be fostered and encouraged by liberal legislation.

The reports of the State Lunatic Hospital, at Harrisburg, and the Western Pennsylvania Hospital for the Insane, at Pittsburg, will be laid before you, and will exhibit in detail their operations for the past year.

These institutions, in their objects and results, merit and should receive our warmest approbation. The condition of no class of suffering humanity appeals with more thrilling power to our sympathies than that of the insane. Ignorant of the frightful malady that oppresses them, shrouded in the fearful gloom of mental darkness, and shut out from the social joys of home and friends, the aid of the benevolent and the benefactions of the Commonwealth should be liberally and cheerfully given to them.

The House of Refuge in Philadelphia, and the Western House of Refuge near Pittsburg, again ask to share the bounty of the Commonwealth. These schools for the erring, neglected and outcast children and youth of the State; these homes where kindness and love subdues the vicious and incorrigible, should not be denied their request.

The "Blind" and the "Deaf and Dumb" asylums at Philadelphia, and the Pennsylvania Training School for idiotic and feeble-minded children, present their annual claim for your sympathy and aid. The dark-

ened eye, the silent tongue, and the weakened intellect, in sorrow and sadness, appeal to the representatives of the people for this boon. It cannot be refused.

My views in relation to "local," "special" and omnibus legislation" have been so frequently expressed, in communications to the Legislature, that their repetition now is unnecessary. Such legislation, often so subversive of private rights—so detrimental to the public interest, and generally so mischievous in its consequences—should not be encouraged or permitted.

The report of the Adjutant General will be laid before you. To its valuable and important suggestions, I invite your careful consideration.

I must again call the attention of the Legislature to the subject of revising the militia laws of the State. They are so crude and imperfect in many of their provisions, and obscure in some of their enactments, that it is difficult to discover the object intended, or comprehend the duty enjoined. The powers and duties of the respective officers connected with the military organization of the Commonwealth, should be more clearly defined. Greater encouragement should be given to the formation of volunteer companies; the entire system should be remodeled, and placed in a position to become alike honorable and useful to the State.

The select and common councils of the city of Philadelphia, by an ordinance passed the 7th day of April, 1856, and officially communicated to the Legislature at their last general session, proposed to convey to the Commonwealth of Pennsylvania a lot of ground, in the city, for the purpose of erecting an arsenal thereon. By the act of the 6th of May, 1857, the Governor was authorized to accept from the Mayor of Philadelphia, under the seal of the corporation, the conveyance in fee simple of the lot of ground proposed to be donated to the Commonwealth, for the purpose

indicated. The conveyance was duly executed by the Mayor on the 26th day of June, 1857, and delivered and accepted on the 31st day of July following, as directed by the act. The fourth section of the same act authorized the Governor to apply the proceeds of the sale of the arsenal in Philadelphia (\$30,000), to the erection of an arsenal on the lot of ground thus granted to the Commonwealth. In pursuance of the authority conferred, a contract was made with a skillful and experienced architect for the erection and completion of the proposed arsenal; to be large and commodious, and adapted to the purposes intended. The building was immediately commenced under the direct supervision of the Adjutant General, and is now completed and ready for the reception of the arms, military stores and equipments of the Commonwealth. It is of brick, three stories high, one hundred and eighty-two feet front on Filbert street, and fifty feet in depth. The foundation walls of stone, are solid and massive. The cost of construction did not exceed the appropriation. It is a substantial and elegant structure, and will be a safe depository for the public arms—an ornament to the city, and a credit to the Commonwealth.

One of my predecessors, in his annual communication to the Legislature, immediately after the close of the late war with Mexico, recommended the erection of a monument to the memory of those citizen soldiers, from Pennsylvania, who died in the service of their country in that war. It is due to them, that some public acknowledgment of their patriotic services should be made by the State. Concurring in the sentiments expressed in the communication to which reference has been made, I would also invite your attention to the propriety of erecting, in the public grounds of the Capitol, a suitable monument to their memory—and thus honor those who by their undaunted bravery and invincible valor, honored our noble Commonwealth.



The publication of the Geological report of the State, under the superintendence of Professor Rogers, is rapidly approaching completion. The engravings and illustrations are nearly completed, and the first volume now in press, which he expects will be ready for delivery soon after the meeting of the Legislature, and the second and last volume before its adjournment or immediately thereafter. The style and general execution of the work will be equal if not superior to that of any similar publication by our sister States. It will fully sustain the reputation of the distinguished geologist, by whom the surveys were made, and who has devoted so much care and attention to its publication. The large geological map of the State, which will accompany the volumes, will not be finished before the close of the year. Great care has been taken to make it perfect in all its details. The whole work will be a valuable additional to geographical, as well as geological science, and will be alike useful to the citizens of the Commonwealth, and honorable to its author.

The resolutions proposing amendments to the Constitution of the Commonwealth, were published as directed by that instrument. In accordance with the provisions of the act of 12th of May, 1857, the proposed amendments were submitted to the people for their ratification or rejection, on the second Tuesday of October last. The returns of said election have been received and will be delivered to the Speaker of the Senate, as directed by law, when the fact of their adoption, by a large majority, will be officially ascertained and announced.

The fourth section of the first article of the amended Constitution requires the Legislature, at their first session after the adoption of this amendment, to divide the city of Philadelphia into Senatorial and Representative districts, in the manner provided in that

section. This duty devolves upon you, and should be performed with fidelity and due regard to the interests and rights of the people of that city.

Relieved from the imputation of selfishness, I cannot forbear presenting for your consideration, a subject that should claim your earliest attention. I refer to the erection of a house at the Seat of Government, for the use of the Governor of the Commonwealth. The want of a public mansion has been seriously felt by all who have been called to occupy that official station. Whilst almost all our sister States have provided residences for the accommodation of their Chief Magistrates, Pennsylvania, for reasons not creditable to her as the "Keystone State," has refused to incur the expense necessary for the erection of such a building. The failure to provide, in this manner, for his accommodation, subjects the Governor to much inconvenience, oftentimes vexatious and annoying. A suitable house cannot always be obtained here, and in that event he is compelled to be shut up in the rooms of a hotel, or crowded with his family into some small and obscure dwelling, alike unfitted for domestic comfort, or the exhibition of the amenities and courtesies of social life. It should be remembered that the Governor of the Commonwealth is regarded as the representative of the people, socially, as well as politically, and therefore he should be enabled, by every proper appliance, to represent truly their social virtues and character. This he cannot do, to the extent desired, on the very meagre salary he receives; and I do not hesitate to affirm that no one occupying this office can, without drawing largely on his private income, exercise the hospitalities or maintain the dignity properly associated with the position. I have avoided all useless expenditures, and yet the salary received has been wholly insufficient to defray the expenses necessarily incurred. This should not be permitted. Every

consideration of public policy, every honorable impulse of proper State pride, require that the Chief Executive Officer of the Commonwealth should be provided with a suitable residence, at the Seat of Government, and with a salary adequate to the expenditures incident to his high official position.

In my last annual communication to the General Assembly, my sentiments were fully expressed in reference to reform in the naturalization laws, and the admission of applicants to the right of citizenship—to the preservation of the purity of elections, by the prevention and punishment of fraudulent and illegal voting, and the enactment of a judicious registry law—to freedom as the great centre truth of American republicanism—the great law of American nationality—to the rights of the States, as Independent Sovereignities, and the power and duty of the General Government to prevent the extension of the institution of slavery to the free territories of the Union—to the wrongs of Kansas, as exhibited in the violation of the doctrine of popular sovereignty by the General Government, in its attempts, by the military power of the country and otherwise, to defeat the will of the majority in that territory; wrongs still existing and aggravated by recent outrages on the rights and privileges of that people, and approved by high National Executive authority. To the views then presented, you are respectfully referred.

By the expiration of the constitutional term, my official connection with the government of the Commonwealth will soon cease. The power, under the Constitution, vested in me by the people, will be transferred to another of their own selection; and with my warmest wishes for his success, I will, relieved from the cares and anxieties of official place, retire to private life. In the discharge of the duties devolved upon me, I have endeavored, to the extent of my abil-

ity, to promote the interests and honor of the Commonwealth, and the virtue, the happiness and prosperity of her citizens. If not successful, I have at least labored to deserve success; and in surrendering the trust committed to me by a generous people, my only regret will be that I have not been able to serve our noble Commonwealth with a zeal and ability equal to the interest I feel in her progress and welfare. Whatever of merit, or demerit may attach to my administration, whatever may be the opinions entertained of my conduct of the affairs of State, I can at least claim from my fellow citizens, with a full consciousness of its right, the award of good intention; and will enjoy, in my retirement, the proud satisfaction of knowing that no act of mine, or of my administration, in tendency or fact, injured or corrupted the public morals, retarded the prosperity, or tarnished the fair fame of my native State. I will surrender to my successor the cares and responsibilities of the office I now hold, with greater cheerfulness than I assumed them; and will return, without a murmur, to the society and companionship of those who can approve without selfishness, and censure only at the bidding of truth and friendship. To the judgment of impartial history I commit my administration and its acts, without a fear of the result; and when time shall have softened the asperity of partizan feeling—healed the bitterness of disappointment, and corrected the errors of prejudice, truth will sustain the judgment, and justice approve the record.

Our beloved Commonwealth, rich in all the elements of material greatness, her broad and fertile fields—her lofty mountains, filled with inexhaustible mineral wealth—her rivers and her streams—her internal improvements—her furnaces, rolling mills and factories—her colleges, academies, and her noble system of common schools—her churches and charitable



institutions—her population, enterprising, energetic, intelligent and prosperous—all these are justly the pride of every true-hearted Pennsylvanian. Our mighty republic, “the free heart’s hope and home”—the Constitution and the union of the States—the civil and religious privileges of the people—the right of conscience and freedom of worship—the great and essential principles of liberty and free government, here enjoyed, and our American Nationality, founded in a true and single devotion to home and country, are objects that fill with patriotic emotion, the heart of every American citizen. May they be cherished and defended until patriotism ceases to be a virtue and liberty be known only as a name.

The true glory and greatness of a nation consist, not alone in the number, privileges or intellectual superiority of her people, her material wealth or physical strength, her political position or form of government. “Richteousness exalteth a nation,” and “happy is that people whose God is the Lord.” Our fathers trusted in Him, and were not disappointed. Recognizing Him as the Sovereign Ruler of nations and men; invoking a continuance of His watchful care over the interests of the Commonwealth, and His blessing upon your official labors—may your acts and the acts of those who may succeed us in the administration of the government, in their character and results, be such as patriotism demands, and honor, truth and conscience can sanction and approve.

JAMES POLLOCK.

Executive Chamber,  
Harrisburg, January 6, 1858.

To the Assembly Approving "An Act to Purchase a Residence for the Governor of this Commonwealth."

Executive Chamber,  
Harrisburg, January 19, 1858.

Gentlemen:—

I HAVE APPROVED AND SIGNED THE FOLLOWING act of the General Assembly, viz:  
On the 18th inst.

"An Act to authorize the purchase of a residence for the Governor of the Commonwealth."

JAS. POLLOCK.



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